



THE GEORGE  
WASHINGTON  
UNIVERSITY  
WASHINGTON DC

THE PRESIDENT

TO: Arthur E. Wilmarth, Jr., Chair (2004-05)  
FROM: Stephen Joel Trachtenberg  
SUBJECT: Faculty Senate Resolutions  
DATE: June 30, 2005

Art: I am in receipt of your May 2 memorandum providing a tabulation of resolutions acted upon by the Faculty Senate during its 2004-05 session. As you requested, I am pleased to attach the response of the Administration to these resolutions for inclusion in the Faculty Senate Annual Report. This reply also addressed Resolutions 05/1 and 05/2 submitted by Lilien Robinson on May 17.

SJT/h  
c: Lilien Robinson

# RESOLUTIONS 2004-05 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
04/3	11/12/04	A Resolution to Endorse Reinstatement of the Interim Policy and Procedures Governing Sexual Harassment Complaints, as Originally Adopted by the Faculty Senate in Resolution 98/5, with Certain Further Amendments	Adopted as amended	Done
04/4	11/12/04	A Resolution Expressing Concern About and Requesting Joint Senate and Administration Review of Recent Classroom Shortage	Adopted as amended	Final review of report underway; will be shared with the Faculty Senate mid-summer; several key recommendations already being implemented
04/5	1/21/05	A Resolution to Endorse The George Washington University Policy and Procedures Regarding Allegations of Research Misconduct	Adopted, with underlying documents as amended	Implemented
04/6	1/21/05	A Resolution to Endorse Revised Disclosure Forms and Conforming Changes to The George Washington University Policy on Conflicts of Interest and Commitment	Adopted, with underlying documents as amended	Acknowledged with gratitude in getting this adopted on the schedule request
04/7	1/21/05	A Resolution Recommending Improved Timing of the Budget Cycle to Permit Better Consultation with Faculty	Adopted	Even greater consultation seems sound; the Administration looks forward to refining its efforts in consultation with the Senate



# RESOLUTIONS 2004-05 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
04/8	2/11/05	A Resolution to Restate the Names of the Standing Committees in the Bylaws of the Faculty Senate Appended to the Faculty Organization Plan	Adopted	Noted
04/9	3/11/05	A Resolution for the Appropriate Regulation of Honors, Awards, or Distinctions by Units of the University	Remanded to The Honors and Academic Convocations Committee	Accepted
	4/8/05		Adopted, as amended	
04/10	4/8/05	A Resolution of Appreciation for Arthur E. Wilmarth, Chair, Senate Executive Committee	Adopted by Acclamation	Noted

# RESOLUTIONS 2004-05 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
05/1	05/13/05	A Resolution to Endorse the Sexual Harassment Policy and Procedures of The George Washington University	Adopted	Final due diligence underway by counsel; implementation expected by September 2005
05/2	05/13/05	A Resolution on Faculty and Staff Compensation Increases and Compensation Policy	Adopted	<p>1(1)-We believe that the initiative of the Administration this year is directed toward attaining the objectives articulated in Resolution #1; comparative data derived from the AAUP is available on an annual basis and shared with the Faculty Senate</p> <p>1(2)-The Administration has indicated its goal of providing periodic merit-based raises on an annual basis going forward and further indicated that on a contingent basis is working toward a 4% raise in the year to come</p> <p>2-Asked and answered (see Resolution 04/7)</p> <p>3-Previously asked and answered</p> <p>4-See response to #1 above</p> <p>5-Accepted in part and declined in part</p>

RESOLUTIONS 2003-04 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
03/9	4/9/04	A Resolution on Scholarly Communication and Library Serials Acquisitions	Adopted 4/9/04	Concur
03/10	4/9/04	A Resolution on the Roles of Faculty Members, School-Wide Personnel Committees, and Administration Officials in Tenure and Promotion Cases	Adopted 4/9/04	Administration understands this as a restatement of the status quo anti; this Resolution in no way changes prior conventions about the rules of engagement; Administration fully concurs in the resolving parts 1-4; with respect to 5/5-A-iv, it must be understood as meaning that rigorous review with depth and thoroughness must be conducted by the recommending faculty
03/11	4/9/04	Resolution of Appreciation (Lilien F. Robinson)	Adopted 4/9/04	Agree
FA03/01	9/29/03	A Resolution on Changes to the <u>Faculty Organization Plan</u>	Adopted 9/29/03	Approved by Board of Trustees May 2004
04/01	5/7/04	A Resolution on Construction of New Science Facilities as the Top Priority Among New Academic Structures	Adopted 5/7/04	This recommendation is fully understood and it is our aim to address it as briskly as circumstances and contingent resources permit; Administration concurs that making the improvement of science facilities for teaching and research a priority at the University is sound.
04/02	5/7/04	A Resolution on Research Priorities at The George Washington University	Adopted 5/7/04	Acknowledged as a recommendation

04/1 + 04/2 - (previous page)

# RESOLUTION 2004-05 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
04/3	11/12/04	A RESOLUTION TO ENDORSE REINSTATEMENT OF THE INTERIM POLICY AND PROCEDURES GOVERNING SEXUAL HARASSMENT COMPLAINTS, AS ORIGINALLY ADOPTED BY THE FACULTY SENATE IN RESOLUTION 98/5, WITH CERTAIN FURTHER AMENDMENTS (04/3)	Adopted, as amended	transmitted to Admin
04/4	" "	A RESOLUTION EXPRESSING CONCERN ABOUT AND REQUESTING JOINT SENATE AND ADMINISTRATION REVIEW OF RECENT CLASSROOM SHORTAGE (04/4)	" " "	" " "
04/5	1/21/05	A RESOLUTION TO ENDORSE THE GEORGE WASHINGTON UNIVERSITY POLICY AND PROCEDURES REGARDING ALLEGATIONS OF RESEARCH MISCONDUCT (04/5)	Adopted, with underlying document as amended	" " "
04/6	1/21/05	A RESOLUTION TO ENDORSE REVISED DISCLOSURE FORMS AND CONFORMING CHANGES TO THE GEORGE WASHINGTON UNIVERSITY POLICY ON CONFLICTS OF INTEREST AND COMMITMENT (04/6)	" "	" " "
04/7	1/21/05	A RESOLUTION RECOMMENDING IMPROVED TIMING OF THE BUDGET CYCLE TO PERMIT BETTER CONSULTATION WITH FACULTY (04/7)	Adopted 1/21/05	" " "

# RESOLUTIONS 2004-05 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
04/8	2/11/05	<b>A RESOLUTION TO RESTATE THE NAMES OF THE STANDING COMMITTEES IN THE BYLAWS OF THE FACULTY SENATE APPENDED TO THE FACULTY ORGANIZATION PLAN (04/8)</b>	Adopted 2/11/05	
04/9	3/11/05	A Resolution for the Appropriate Regulation of Honors, Awards, or Distinctions by Units of the University	Remanded to HACC Committee 3/11/05  Adopted, 4/8/05 (as amended?)	
04/10	4/8/05	<b>A Resolution of Appreciation (04/10) (Arthur C. Wilmarth, Jr., Chair, Senate Executive Committee)</b>	Adopted by acclamation 4/8/05	

# RESOLUTIONS 2004-05 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration

**A RESOLUTION ON CONSTRUCTION OF NEW SCIENCE FACILITIES AS  
THE TOP PRIORITY AMONG NEW ACADEMIC STRUCTURES (04/1)**

**WHEREAS**, science and technology have a critical impact on all life, and;

**WHEREAS**, investment in science facilities and science programming is an investment in the future of students, of the Institution, and of society, because it creates the opportunity for:

- strengthening teaching and learning at the undergraduate and graduate levels;
- increasing the enrollment and retention of talented science majors, in general, and diversity among science majors, in particular;
- attracting and retaining accomplished undergraduate students, whatever their major;
- increasing the number of non-science majors who enroll in science courses;
- bringing to students a command of the tools of focused inquiry, mentored discovery-based learning, collaborative problem-solving, writing, quantitative and informational literacy, and information exchange essential for work and lifelong learning;
- improving post-graduate outcomes in graduate/professional school acceptances and job placements;
- recruiting and retaining outstanding faculty;
- attracting exceptional graduate students and postdoctoral researchers in the sciences;
- improving professional placement of doctoral graduates;
- enabling collaborations and emerging interdisciplinary interactions in teaching and research;
- increasing research involvement and productivity for students and faculty;
- increasing competitiveness for external grants for such purposes as research, curriculum and faculty development, and instrumentation;
- enhancing connections to area external partners, e.g., the NIH, the Smithsonian; The Institute for Genome Research, the Goddard Space Flight Center, the Children's National Medical Center, the Naval Research Lab, and National Institute for Standards and Technology;
- expanding technology infrastructure through state-of-the-art laboratories and general purpose classrooms;
- affecting the University community in a positive manner with respect to morale, inspiration, involvement, collegiality, cooperation, and social interaction;
- attracting benefactors, engaging alumni, and expanding the endowment; and;

**WHEREAS**, an investment in science facilities and science programming advances the Institution's Strategic Plan for Academic Excellence by creating the opportunity for:

- delivering engaged and consequential undergraduate education;
- becoming a tier-one research institution;
- promoting quality, highly visible, revenue-generating graduate education;
- recruiting and retaining a diverse, nationally and internationally known, faculty producing increased research;
- leveraging the D.C. environment to deliver a world-class education;
- integrating research and teaching to solve problems in the urban environment;
- fostering a sense of community through a unified approach to science, and;

**WHEREAS**, understanding the draw of science and the revolution that is occurring within it, local universities, competing universities, aspirant universities, and schools of lesser status have constructed or committed to construct new science facilities, and;

**WHEREAS**, new science facilities will benefit other Schools, other CCAS disciplines and disciplines within the Schools that depend on excellence in the basic sciences both in academics and research, by providing the opportunity for:

- access to additional technology-enabled general use classrooms;
- flexible arrangements to accommodate the changing landscape of science;
- greater integration of mathematics, statistics, and computational sciences with other disciplines across the University, and;
- enhanced opportunities for cross-disciplinary collaborations, and;

**WHEREAS**, the construction of new science facilities and the accompanying benefits would have such a major immediate and future impact on the Institution, that funding by revenues generated by individual gifts, capital campaigns, indirect cost recovery, reallocation of funds, and new revenues (e.g., financial value derived from the old hospital site, tuition-generating programs and certificates) is justified, and;

**WHEREAS**, the quality and quantity of existing science facilities and science programming deprive the students, the Institution, and society of the full-benefits cited above and thus, undermine the effort of the Institution to achieve the goals stated in the Strategic Plan for Academic Excellence, **NOW, THEREFORE**,

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:**

- (1) That the Faculty Senate endorses the investment in new science facilities that accommodate the physical, life, and mathematical sciences, ~~and science programming, and science-related engineering programs~~ and science programming ~~ming~~ as the **top** priority among future academic projects; and
- (2) That the new science facilities will be defined with respect to size, site, use (school-wide, university-wide) and program goals through a careful collaborative planning process that includes science and non-science faculty, academic deans, campus planners and architects, advancement staff, and budget officers.

Adopted, as amended, May 7, 2004



## **A Resolution on Research Priorities at The George Washington University (04/2)**

**WHEREAS**, it is a stated goal in The George Washington University Strategic Plan for Academic Excellence to move GW into the ranks of the top-tier research institutions through continued and enhanced facilitation of faculty scholarship and research growth; and

**WHEREAS**, stated goals of The George Washington University Strategic Plan for Research include developing a more supportive research culture and environment at GW, increasing the quality and quantity of research by both faculty and students, increasing the amount of sponsored research at GW, and enhancing the reputation of GW as a research oriented university; and

**WHEREAS**, implementation of these goals requires that "GW will support increases in the quantity and quality of funded and unfunded faculty research and scholarship essential to the University's overall prestige," as stated in the Strategic Plan for Academic Excellence; and

**WHEREAS**, while recognizing the recent efforts of the Administration of The George Washington University to increase the support of research infrastructure on the University, School, and Departmental levels, a review by the Senate Committee on Research has determined that the amount budgeted for support of research has been and still remains only a fraction of that which would be sufficient to accomplish these goals; and

**WHEREAS**, in particular, the budget for the Research Enhancement Incentive Award (REIA) program, which gives PIs, departments, and schools funds to reinvest in research in proportion to their sponsored research activity for such critical needs as proposal development, startup packages for new faculty, and equipment cost sharing vital to many grant proposals, has remained flat while research activity, productivity, and external funding has increased; and

**WHEREAS**, the REIA budget (\$655,000) was insufficient in FY04 to fully fund REIA payouts under the current formula (which would have dictated a payment of \$1,121,000 for FY03 research activity); and

**WHEREAS**, there is currently no mechanism to ensure that the REIA budget grows in proportion to the growth of research activity; NOW, THEREFORE

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:**

1. **THAT**, as a first step in fulfillment of the above stated research goals, the Faculty Senate urges the University to institute a plan to fully fund REIA from indirect cost recoveries

and tuition paid by externally-funded grants and that a mechanism to ensure that the REIA budget grows in proportion to the growth of research, where, based on the current formula and an estimated 15% in the average growth in external grant indirect costs and tuition, the additional funding needed for FY05 is \$645,000 (an estimated payout of \$1,300,000 - \$655,000), and the additional funding needed for FY06 is \$195,000 (\$1,495,000 - \$1,300,000);

2. **THAT**, understanding the importance of prioritizing objectives, the Faculty will continue to work with the Administration to develop other specific research priorities to be pursued aggressively over the next 3-5 years and to recommend mechanisms for funding these priorities;
3. **AND THAT**, more generally, the Dean of each school or college be encouraged to continue to support research at The George Washington University and that the University endeavor to set budgeting priorities in accordance with the fulfillment of the above stated research goals.

Faculty Senate Committee on Research  
March 26, 2004

Adopted May 7, 2004

**A RESOLUTION TO ENDORSE REINSTATEMENT OF THE INTERIM POLICY AND PROCEDURES GOVERNING SEXUAL HARASSMENT COMPLAINTS, AS ORIGINALLY ADOPTED BY THE FACULTY SENATE IN RESOLUTION 98/5, WITH CERTAIN FURTHER AMENDMENTS (04/3)**

**WHEREAS**, in Resolution 98/5, adopted on December 11, 1998, the Faculty Senate (i) endorsed the Interim Policy and Procedures Governing Sexual Harassment Complaints, as amended (the "Interim Policy and Procedures endorsed in Resolution 98/5"), and recommended the promulgation of that document to the University community; (ii) recommended that an ad hoc committee be jointly appointed by the Vice President for Academic Affairs and the Chair of the Faculty Senate Executive Committee; and (iii) recommended that the ad hoc committee review the Interim Policy and Procedures as endorsed in Resolution 98/5 and report its recommendations to the Faculty Senate with regard to any proposed amendments to that document; and

**WHEREAS**, in Resolution 99/6, adopted on May 5, 2000, the Faculty Senate reviewed and endorsed, with a number of amendments, the ad hoc committee's proposed Policy and Procedures Governing Sexual Harassment Complaints ("Resolution 99/6 Document"), as a proposed replacement for the Interim Policy and Procedures endorsed in Resolution 98/5;

**WHEREAS**, the University Administration referred the Resolution 99/6 Document to outside counsel and, on January 4, 2001, the Administration issued a "Revised Draft," which significantly changed the Resolution 99/6 Document and incorporated a number of provisions that the Faculty Senate had specifically rejected in adopting Resolution 99/6; and

**WHEREAS**, in Resolution 00/6, adopted on April 27, 2001, the Faculty Senate withheld its endorsement of the "Revised Draft" and "urgently request[ed] the University President to suspend acceptance of the Revised Draft and direct the preparation, in consultation with the Faculty Senate, of a re-draft of the Sexual Harassment Policies and Procedures with the goal of more fairly balancing the procedural rights of the respondents with the creation of an appropriate process that does not discourage complainants"; and

**WHEREAS**, in a memorandum dated June 27, 2001, from the President to the Chair of the Executive Committee of the Faculty Senate, the Administration stated that its response to Resolution 00/6 was "[i]n process", but no further response to Resolution 00/6 has been presented to the Faculty Senate; and

**WHEREAS**, during the period from December 11, 1998, to June 25, 2004, members of the Faculty Senate Executive Committee and other members of the Faculty Senate understood that the Interim Policy and Procedures endorsed in Resolution 98/5 remained in force as the document governing sexual harassment complaints in which faculty members were named as parties; and

**WHEREAS**, on June 25, 2004, in response to an inquiry from the Chair of the Executive Committee regarding notification procedures followed in a recent sexual harassment investigation, the Administration provided the Executive Committee with a document designated as "Interim Policy and Procedures Governing Sexual Harassment Complaints (Revised 4/14/99)" (the "4/14/99 Revision"), which the Executive Committee learned was posted on the University's website along with other University policies; and

**WHEREAS**, the Faculty Senate was not consulted when the Administration prepared the 4/14/99 Revision, and, prior to June 25, 2004, the Faculty Senate was not notified that the Administration had adopted the 4/14/99 Revision and had posted that document on the website for University policies; and

**WHEREAS**, based on its review of the 4/14/99 Revision, the Executive Committee determined that the 4/14/99 Revision made twelve significant changes to the Interim Policy and Procedures endorsed in Resolution 98/5, with many of those changes affecting academic freedom and the due process rights of complainants and respondents in sexual harassment proceedings; and

**WHEREAS**, (i) Exhibit A attached hereto sets forth the Interim Policy and Procedures endorsed in Resolution 98/5, as marked to show all of the changes made in the 4/14/99 Revision; and (ii) Exhibit B attached hereto summarizes the twelve most significant changes that were made in the 4/14/99 Revision;

**WHEREAS**, Article IX of the Faculty Code recognizes fundamental principles of shared governance that promote cooperation and consensus in decision making among the regular, active-status faculty, the officers of the University Administration, and the Board of Trustees; and, in particular, Article IX.B. states that "[t]he faculty cannot perform an effective and responsible role in University decision making without the cooperation of the administrative officers of the University. . . . Faculty bodies charged with responsibilities for particular policy and planning areas are entitled, to the extent feasible, to be informed sufficiently in advance of important decisions within their areas of competence to be able to provide their advice or recommendations to the appropriate University officials"; and

**WHEREAS**, in recognition of the foregoing principles of shared governance, Article I, Section 2 of the Faculty Organization Plan provides that "the Faculty Senate . . . shall be a representative body acting for the Faculty as a whole in legislative and advisory capacities"; accordingly, the Administration has followed a long-established practice of referring to the Faculty Senate, for its advice and recommendations, proposed University policies with a significant potential impact on the faculty before such policies are adopted or implemented by either the Administration or the Board of Trustees; and

**WHEREAS**, the Faculty Senate Executive Committee has expressed to the Administration its firm belief and great concern that the Administration's adoption and implementation of the 4/14/99 Revision, without prior consultation with or notice to the

Faculty Senate, represented a clear departure from the principles, practice, and tradition of shared governance at The George Washington University; and

**WHEREAS**, in response to the expressions of the Faculty Senate Executive Committee, the Administration has agreed to reinstate the Interim Policy and Procedures endorsed in Resolution 98/5, with certain amendments, in accordance with the following understandings:

- (1) In adopting this Resolution 04/3, the Faculty Senate will endorse the following amendments to the Interim Policy and Procedures endorsed in Resolution 98/5: (a) the Code of Student Conduct will govern formal complaints in which both parties are students or the respondent is a student, (b) the Manual of Personnel Policies will govern formal complaints in which both parties are staff members, (c) persons who have concerns or potential complaints about inappropriate sexual behavior may contact, in addition to the Sexual Harassment Coordinator, the Director of Equal Employment ~~Activities~~ Opportunity, the Dean of Students, or the Assistant Vice President in the Office of Faculty Recruitment and Personnel Relations, but each of those persons will refer all such matters to the Coordinator, and (d) a formal complaint hearing will be closed to the public if either party so requests [new provision] or if the formal complaint panel so determines [existing Senate provision]; and
- (2) The Interim Policy and Procedures endorsed by Resolution 98/5 and amended by Resolution 04/3 will take effect upon the Faculty Senate's adoption of this Resolution and will continue in effect during the remainder of the Faculty Senate's 2004-05 term; and
- (3) The Faculty Senate and the Administration will use their best efforts to agree on a final policy and procedures governing sexual harassment before the expiration of the Faculty Senate's 2004-05 term; to that end, this Resolution will authorize the creation of a joint task force to prepare a consensus document that will be reported to the Faculty Senate's Committee on Professional Ethics and Academic Freedom ("PEAF Committee") for its expeditious review and, following such review, the consensus document will be referred to the Faculty Senate with the PEAF Committee's recommendations; and
- (4) In negotiating a consensus document, representatives of the Administration will not be bound by the Interim Policy and Procedures endorsed in Resolution 98/5 and amended by Resolution 04/3, it being understood that the Administration has agreed to reinstate such Policy and Procedures in order to restore a spirit of comity and trust with the Faculty Senate, and in furtherance of the principles of shared governance; and

**WHEREAS**, attached as Exhibit C hereto is the Interim Policy and Procedures Governing Sexual Harassment Complaints as endorsed in Resolution 98/5, as marked to show the amendments needed to satisfy the Administration's requests set forth in paragraph (1) of the foregoing recital and to make a small number of further technical and clarifying changes; **NOW THEREFORE**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:**

- (1) That the Faculty Senate endorses the "Interim Policy and Procedures Governing Sexual Harassment Complaints" in the form attached hereto as Exhibit C, and recommends that such policy and procedures take effect in the University community as of the date of the Faculty Senate's adoption of this Resolution and continue in effect during the remainder of the Faculty Senate's 2004-05 term; and
- (2) That the "Interim Policy and Procedures Governing Sexual Harassment Complaints," as amended and endorsed by this Resolution, be referred to a joint task force appointed by the Executive Vice President for Academic Affairs and the Chair of the Executive Committee of the Faculty Senate for the purpose of drafting a consensus final policy and procedures governing sexual harassment complaints, which will be reported to the Committee on Professional Ethics and Academic Freedom of the Faculty Senate ("PEAF Committee") for its expeditious review and, following such review, will be referred to the Faculty Senate with the PEAF Committee's recommendations; and
- (3) That the joint task force, the PEAF Committee and the Faculty Senate will use their best efforts to recommend, prior to the expiration of the Faculty Senate's 2004-05 term, a final policy and procedures governing sexual harassment for approval and implementation by the University Administration.

Executive Committee of the Faculty Senate  
November 3, 2004

Adopted, as amended, November 12, 2004



**A RESOLUTION EXPRESSING CONCERN ABOUT AND REQUESTING JOINT  
SENATE AND ADMINISTRATION REVIEW OF RECENT CLASSROOM SHORTAGE  
(04/4)**

WHEREAS, the Scheduling Office has very recently rejected significant parts of class schedules proposed by some academic departments, that have been in their hands since mid-July, and directed numerous departments in several schools to either cancel or reschedule a set of classes identified as ones to which they have not been able to assign a classroom at the requested day/time/campus; and

WHEREAS, the Fiscal Planning and Budgeting Committee has in its Budget reports in recent years noted the strong likelihood of this sort of classroom crisis, due to a confluence of rapidly rising undergraduate enrollments and a declining stock of available mid-size classrooms, combined with an apparent unwillingness on the part of University administration budget authorities to plan and invest appropriately to meet the challenges of providing an adequately increased supply of classrooms, repeatedly asserting that more efficient use of our existing facilities would resolve these problems; and

WHEREAS, this recent experience shows clearly that there still exists an inadequate supply of classrooms to meet the desires and needs of academic departments to schedule courses at certain times/days, despite recent radical restructuring of the time-bands to achieve greater efficiency of use of existing resources; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON  
UNIVERSITY:**

(1) That the Faculty Senate requests that the President direct a high-level review of the recent classroom shortage and of plans to remedy this situation no later than Fall 2005 and in future semesters, such review to be conducted with the participation of faculty designated by the Faculty Senate, the results of this review to be reported to the Senate before the Fall 05 Schedule of Classes is to be established; and

(2) That the Faculty Senate requests that a joint subcommittee be constituted by the Chairs of the Committee on Physical Facilities, on Educational Policy, and Fiscal Planning and Budgeting, and designates this Joint Subcommittee to participate in the Administrative review requested in the preceding paragraph.

Respectfully submitted,

William B. Griffith, Member, CCAS  
Nov. 12, 2004

Adopted, as amended, November 12, 2004

**A RESOLUTION TO ENDORSE THE GEORGE WASHINGTON UNIVERSITY  
POLICY AND PROCEDURES REGARDING ALLEGATIONS OF RESEARCH  
MISCONDUCT (04/5)**

**WHEREAS,** in Resolution 03/8, adopted on March 12, 2004, the Faculty Senate expressed its support for "The George Washington University Policy and Procedures Regarding Allegations of Scientific Misconduct," with the understanding that such Policy and Procedures would be adopted on an interim basis until final Policy and Procedures were reported favorably to the Faculty Senate by the Faculty Senate Committee on Professional Ethics and Academic Freedom (PEAF); and

**WHEREAS,** in adopting Resolution 03/8, the Faculty Senate was advised that the interim Policy and Procedures were required to bring the University's sponsored research programs into compliance with regulations issued by the Office of Research Integrity (ORI) of the U.S. Public Health Service in 42 Code of Federal Regulations Part 50, Subpart A;

**WHEREAS,** the PEAF Committee and members of the University Administration have completed their review of the interim Policy and Procedures and have also considered proposed regulations issued by ORI in April 2004 (69 Federal Register 20777), which would make a number of amendments to 42 Code of Federal Regulations Part 50, Subpart A, as well as ORI's model policy and procedures regarding allegations of research misconduct;

**WHEREAS,** the PEAF Committee and members of the University Administration have agreed that the final Policy and Procedures should reflect pending amendments proposed by ORI, so that (1) the final Policy and Procedures will be designated as "The George Washington University Policy and Procedures Regarding Allegations of Research Misconduct," and (2) the nature of the misconduct covered therein will be defined as "research misconduct" rather than "scientific misconduct," in order that the final Policy and Procedures will apply to fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or in reporting research results in all fields of scholarly inquiry; and

**WHEREAS,** in accordance with views expressed during the Faculty Senate's discussion of Resolution 03/8, the PEAF Committee and members of the University Administration have agreed that the final Policy and Procedures should provide persons accused of research misconduct ("respondents") with the right to be fully advised of the nature of the charges against them and the right to be heard in connection with any informal inquiry and/or formal investigation into such charges;



**WHEREAS,** to provide respondents with the procedural protections referred to in the preceding paragraph, the final Policy and Procedures endorsed by the PEAFC Committee (after consultation with members of the University Administration) provide each respondent with the following additional rights that were not contained in the Interim Policy and Procedures:

- (i) the right to have the respondent's own counsel present at interviews or meetings conducted during an informal inquiry or formal investigation (Part IV.C.);
- (ii) the right to receive written notice of the initiation of an informal inquiry, including a clear identification of each allegation of research misconduct (Part V.A.);
- (iii) the option to require the University to conduct an informal inquiry by appointing a committee of at least three qualified individuals to perform the inquiry in place of the Associate Vice President for Health Research, Compliance, and Technology (Part V.D.);
- (iv) the requirement that Administration officials will consult with the following faculty representatives in designating the members of an informal inquiry committee or a formal investigation committee, and in considering any challenges by the respondent to members of those committees: (i) in all cases, the Chairs of the Faculty Senate Executive Committee and the Faculty Senate Research Committee will be consulted, and (ii) in cases where the suspected or alleged research misconduct involved a field of study in which persons associated with the Medical Center are actively engaged, the Chair of the Basic Science Faculty Assembly of the Medical Center and a faculty member designated in collaboration with the President of Medical Faculty Associates, Inc. will also be consulted (Parts V.D. and VII.C.);
- (v) the right to receive a copy of the charge given by the Associate Vice President for Health Research, Compliance, and Technology to a formal investigation committee (Part VII.D.1.);
- (vi) the requirement that the draft report prepared by a formal investigation committee must provide a detailed description of all testimony and other evidence upon which the committee intends to rely in making its findings (Part VIII.A.1.);
- (vii) the right of a respondent, before submitting comments on the investigation committee's draft report, to obtain copies of all testimonial and documentary evidence referred to in such report (Part VIII.A.1.);

- (viii) the requirement that the investigation committee's final report must provide a detailed description of the testimony and other evidence supporting the committee's findings (Part VIII.B.);
- (ix) the requirement that the Associate Vice President for Health Research, Compliance, and Technology must provide a copy of the University's final decision to the respondent (Part VIII.D.);
- (x) the requirement that any disciplinary actions taken by the University against a respondent must be consistent with the Faculty Code or the Manual of Personnel Policies for the Use of Supervisory Staff or, in the case of a student, the Guide to Student Rights and Responsibilities (Part XI);
- (xi) the requirement that, if the University finds no misconduct and ORI concurs: (A) the Administration will consider appropriate efforts, in consultation with the respondent, to address concerns relating to the respondent's reputation and public knowledge of the inquiry and/or investigation conducted by the University, including the University's publication of the final outcome in scholarly and professional journals and other appropriate forums, and (B) upon request from elected faculty representatives or other University officials, the Administration will consider additional measures to address the respondent's concerns, including consideration of interim support (ordinarily not to exceed one year) for the respondent's ongoing research activities (Part XII.B.); **NOW, THEREFORE**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:**

(1) That the Faculty Senate endorses the "The George Washington University Policy and Procedures Regarding Allegations of Research Misconduct," in the form attached to this Resolution as Exhibit A; and

(2) That the Faculty Senate understands and expects that any proposed future amendments to the attached Policy and Procedures will be presented to the Faculty Senate for its review and endorsement in keeping with the procedures leading to the adoption of Resolution 03/8 and this Resolution.

Faculty Senate Committee on Professional Ethics and Academic Freedom  
January 10, 2005

Adopted, with the underlying document as amended, January 21, 2005

Adopted, as amended, January 21, 2005 pursuant to  
Faculty Senate Resolution 04/5

The George Washington University  
Policy and Procedures Regarding Allegations of Research Misconduct

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## I. Introduction

### A. General Policy

The research mission of The George Washington University is to create and synthesize knowledge at the frontiers of our understanding and to use that knowledge to address issues of increasing complexity in our world, while strengthening the necessary ties between teaching and research. In pursuing this mission, the University attempts to promote and to conform to the highest standards of ethical research and scholarly conduct.

### B. Scope

This policy and the associated procedures apply to all individuals at GW engaged in research, research-training or research-related grant or cooperative agreements.

More specifically, this policy applies to any person paid by, under the control of, or affiliated with GW, such as faculty, scientists, trainees, technicians and other staff members, students, fellows, guest researchers, or collaborators at or with GW.

This policy and associated procedures will normally be followed when an allegation of possible misconduct in research is received by a GW official. Particular circumstances in an individual case may dictate variation from the normal procedure deemed in the best interests of GW and any applicable outside agency. Any change from normal procedures will maintain fair treatment to the subject of the inquiry or investigation. Any significant variation from the normal procedure set forth in this policy requires the approval of the Associate Vice President for Health Research.

## II. Definitions of Terms Used in this Document

- A. *Allegation* means any written or oral statement or other indication of possible research misconduct made to a GW official.
- B. *Complainant* means a person who in good faith makes an allegation of research misconduct.
- C. *Conflict of interest* means the real or apparent interference of one person's outside interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships.
- D. *Good faith allegation* means an allegation made with the honest belief that research misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for, or willful ignorance of, facts that would disprove

the allegation.

- E. *Inquiry* means gathering information and initial fact-finding to determine whether an allegation or apparent instance of research misconduct has substance and warrants an investigation.
- F. *Investigation* means the formal development of a factual record and the examination of that record leading to a decision not to make a finding of research misconduct or to a finding of research misconduct or other appropriate remedies, including administrative actions.
- G. *Investigators* means any person paid by, under the control of, or affiliated with GW, such as faculty, scientists, trainees, technicians, and other staff members, students, fellows, guest researchers, or collaborators at or with GW.
- H. *MFA Representative* means the President of Medical Faculty Associates, Inc. or, if that person is not a faculty member, a faculty member designated jointly by the President of Medical Faculty Associates, Inc. and the Associate Vice President for Health Research, Compliance, and Technology Transfer.
- I. *Medical Center-related case* means a case involving suspected or alleged research misconduct occurring in a field of study in which persons associated with the Medical Center are actively engaged.
- J.. *ORI* means the Office of Research Integrity, the office within the U.S. Department of Health and Human Services (DHHS) that is responsible for the research misconduct and research integrity activities of the U.S. Public Health Service.
- K.. *PHS* means the U.S. Public Health Service, an operating component of the DHHS.
- L. *PHS regulation* means the Public Health Service regulation establishing standards for GW inquiries and investigations into allegations of research misconduct, which is set forth at 42 C.F.R. Part 50, Subpart A, entitled "Responsibility of PHS Awardee and Applicant Institutions for Dealing With and Reporting Possible Misconduct in Science," or as amended.
- M. *PHS support* means PHS grants, contracts, or cooperative agreements or applications therefor.
- N. *Preponderance of the evidence* means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.



- O. *Research misconduct or misconduct in research* means includes, without limitation, fabrication, falsification, or plagiarism, in proposing, performing, or reviewing research or in reporting research results. A finding of research misconduct requires that there be a significant departure from accepted practices of the relevant research or scholarly community; that the research misconduct be committed intentionally, knowingly, or recklessly; and that the allegation be proven by a preponderance of the evidence. It does not include honest error or honest differences in interpretations or judgments of data.
- Fabrication is making up data or results and recording or reporting them.
  - Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
  - Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- P. *Research record* means any data or results that embody the facts resulting from scholarly inquiry including, but not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files. "Data or results" shall be interpreted broadly to encompass all forms of scholarly information about the research at issue without regard to the type of recording or storage media, including, but not limited to, raw numbers, field notes, interviews, notebooks and folders, laboratory observations, computers and other research equipment, CD-ROMs, hard drives, floppy disks, Zip disks, back-up tapes, machine counter tapes, research interpretations and analyses, tables, slides, photographs, charts, gels, individual facts, statistics, tissue samples, reagents, and documented oral representations of research results.
- Q. *Respondent* means the person against whom an allegation of research misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation, and, if there are multiple respondents, all references in this policy to "respondent" shall also be read in the plural as appropriate.
- R. *Retaliation* means any action that adversely affects the employment or other GW or professional status of an individual that is taken by an institution or another individual (e.g., respondent) because the first individual has in good faith made an allegation of research misconduct or of inadequate GW response thereto or has

cooperated in good faith with an investigation of such allegation.

### **III. Rights and Responsibilities**

#### **A. Associate Vice President for Health Research, Compliance, and Technology Transfer**

The Associate Vice President for Health Research, Compliance, and Technology Transfer (hereinafter "Associate Vice President for Health Research") will have primary responsibility for implementation of the procedures set forth in this document. The Associate Vice President for Health Research is a GW official who is qualified to handle the procedural requirements involved and is sensitive to the varied demands made on those who conduct research, those who are accused of misconduct, and those who report apparent misconduct in good faith.

The Associate Vice President for Health Research will conduct the inquiry (except as provided in Part V.D.) and oversee the investigation committee, with consideration that necessary and appropriate expertise may be appropriate to carry out a thorough and authoritative evaluation of the relevant evidence in an inquiry or investigation. The Associate Vice President for Health Research will maintain the confidentiality of the proceedings, consistent with this policy and other applicable policies and law. The Associate Vice President for Health Research may, in his or her discretion, be assisted in fulfilling these responsibilities.

The Associate Vice President for Health Research will assist the investigation committee and GW personnel in complying with these procedures and with applicable standards imposed by government or external funding sources. The Associate Vice President for Health Research is also responsible for maintaining files of all documents and evidence and for the confidentiality and the security of the files.

The Associate Vice President for Health Research will be responsible for making reports and providing information to research funding sponsors in accordance with applicable laws, regulations, and research funding agreements. In particular, the Associate Vice President for Health Research will, to the extent and in the manner required by applicable law and regulations, report to ORI and keep ORI apprised of any developments during the course of the inquiry or investigation that may affect current or potential DHHS funding for the individual(s) under investigation or that PHS needs to know to ensure appropriate use of Federal funds and otherwise protect the public interest.

In the event that the Associate Vice President for Health Research is unable to fulfill any of the responsibilities set forth herein for any reason, such responsibilities



will be fulfilled by the Associate Vice President for Research and Graduate Studies.

**B. Complainant**

The complainant will have an opportunity to be interviewed and present evidence during the inquiry and to testify before the investigation committee during the investigation, to review portions of the inquiry and investigation reports pertinent to his/her allegations or testimony, to be informed of the results of the inquiry and investigation, and to be protected from retaliation. Also, if the Associate Vice President for Health Research has determined that the complainant may be able to provide pertinent information on any portions of the draft report; these portions will be given to the complainant for comment.

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with an inquiry or investigation.

**C. Respondent**

The respondent will be informed of the allegations when an inquiry is opened and notified in writing of the final determinations and resulting actions. The respondent will also have the opportunity to be interviewed and present evidence during the inquiry and to testify before the investigation committee during the investigation, to review the draft inquiry and investigation reports and to submit comments before those documents are issued in final form.

The respondent is responsible for answering an inquiry or investigation truthfully and in good faith, maintaining confidentiality and cooperating with the conduct of an inquiry or investigation, and not retaliating against any individual. If the respondent is not found guilty of research misconduct, he or she has the right to request GW's consideration of reasonable steps to address any concerns regarding his or her reputation, as provided in Part XII(B).

**D. Executive Vice President for Academic Affairs**

The Executive Vice President for Academic Affairs will receive the inquiry and/or investigation report and any written comments made by the respondent or the complainant on the draft report. The Executive Vice President for Academic Affairs will consult with the Associate Vice President for Health Research or other appropriate officials and will determine whether to conduct an investigation after receipt of an inquiry report, whether misconduct occurred, whether to impose sanctions, or whether to take other appropriate administrative actions.

**IV. General Policies and Principles**

A. Responsibility to Report Misconduct

All employees or individuals associated with The George Washington University (GW) should report observed, suspected, or apparent misconduct in research to the Associate Vice President for Health Research. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may call the Associate Vice President for Health Research at (202-994-2995) to discuss the suspected misconduct informally. If the circumstances described by the individual do not meet the definition of research misconduct, but do raise other legitimate concerns, the Associate Vice President for Health Research will refer the individual or allegation to other offices or officials with responsibility for addressing the concerns.

At any time, an employee may have confidential discussions and consultations about concerns of possible research misconduct with the Associate Vice President for Health Research and will be counseled about appropriate procedures for reporting allegations. The Associate Vice President for Health Research, upon request, will arrange for University counsel to provide information to employees regarding the provisions of this policy and applicable laws and regulations.

B. Protecting the Complainant

The Associate Vice President for Health Research will also be available to receive complaints regarding the treatment of individuals who bring allegations of research misconduct or of inadequate GW response thereto, and those who cooperate in inquiries or investigations. The Associate Vice President for Health Research will communicate that such persons should not be retaliated against in the terms and conditions of their employment or other status at the institution and will be available to review instances of alleged retaliation for appropriate action.

Employees should immediately report any alleged or apparent retaliation to the Associate Vice President for Health Research.

GW is also committed to protecting the privacy of those who report misconduct in good faith to the maximum extent possible. If a complainant requests anonymity, GW will make an effort to honor the request during the allegation assessment or inquiry; however, if the matter is referred to an investigation committee and the complainant's testimony is required, anonymity will no longer be available.

C. Protecting the Respondent

Inquiries and investigations will be conducted in a manner that is designed to provide fair treatment to the respondent(s) in the inquiry or investigation and

confidentiality to the extent possible without compromising public health and safety or the thoroughness of the inquiry or investigation.

Individuals accused of research misconduct may, at their own expense, consult with legal counsel or a non-lawyer personal adviser (who is not a witness or University official involved or to be involved in the case) in an advisory capacity. Legal counsel and advisors will be permitted to be present at interviews or meetings conducted during an inquiry or investigation.

**D. Cooperation with Inquiries and Investigations**

GW Investigators have an obligation to provide relevant evidence to the Associate Vice President for Health Research or other GW officials in the conduct of inquiries or investigations into misconduct allegations.

**E. Preliminary Assessment of Allegations**

Upon receiving an allegation of research misconduct, the Associate Vice President for Health Research will promptly assess the allegation to determine whether there is sufficient evidence to warrant an inquiry and whether the allegation falls under the definition of research misconduct as set forth above.

**F. Legal Counsel for University Officials and Entities**

The Associate Vice President for Health Research, an informal inquiry committee (if requested by the respondent), an investigation committee, and all other University officials and entities may seek the advice and/or representation of University-provided legal counsel on any and all aspects and at any stages of this policy.

**V. Conducting the Inquiry**

**A. Initiation and Purpose of the Inquiry**

Following a preliminary assessment, if the Associate Vice President for Health Research determines that the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified and falls under the definition of research misconduct as set forth above, he or she will promptly initiate an informal inquiry. The Associate Vice President for Health Research will provide written notice of the inquiry to the respondent. In initiating the inquiry, and in providing notice to the respondent, the Associate Vice President for Health Research will clearly identify the original allegation and any related issues. The purpose of the inquiry is to make a preliminary evaluation of the available evidence and testimony of the respondent, complainant, and key witnesses to determine

whether there is sufficient evidence of possible research misconduct to warrant an investigation. The purpose of the inquiry is **not** to reach a final conclusion about whether misconduct definitely occurred or who was responsible. The findings of the inquiry will be set forth in an inquiry report.

B. Sequestration of the Research Records

After initiating an inquiry, the Associate Vice President for Health Research will ordinarily attempt promptly to secure all original research records and materials relevant to the allegation in a confidential manner.

C. Inquiry Process

The Associate Vice President for Health Research will interview the complainant, the respondent and key witnesses as well as examining relevant research records and materials. The Associate Vice President for Health Research will consider whether additional expertise, either internal or external, is appropriate to permit a proper evaluation of the relevant evidence in the inquiry. The respondent may also request that additional outside expertise be consulted. If internal or external expertise is deemed warranted, individuals with such expertise will only include those without any real or apparent conflicts of interest in the subject matter of the inquiry or any participants involved in the inquiry. The Associate Vice President for Health Research will formulate a recommendation regarding whether there is sufficient evidence of possible research misconduct to warrant further investigation. The scope of an inquiry will not include a determination of whether misconduct occurred or conducting exhaustive interviews and analyses.

D. Appointment of Inquiry Committee at the Option of the Respondent

Upon the written request of the respondent, which must be filed within five (5) business days after the respondent's receipt of notice of the inquiry, the Associate Vice President for Health Research will consult with the following: the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of the Medical Center and the MFA Representative, and will appoint a committee to perform the informal inquiry described in this Part V and to prepare the inquiry report described in Part VI. The Associate Vice President for Health Research will designate one member of the inquiry committee to act as the chair. The inquiry committee will consist of at least three individuals who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to conduct the informal inquiry. These individuals may be scientists, administrators, subject matter experts, lawyers, or other qualified persons, and they

may be from inside or outside the institution.

The Associate Vice President for Health Research will ordinarily notify the respondent of the proposed inquiry committee membership within five (5) business days of its appointment. If the respondent objects to one or more members of the inquiry committee, the respondent will submit a written objection to the Associate Vice President for Health Research, the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of the Medical Center and the MFA Representative. Such objection shall be submitted within five (5) business days of receipt of notification of composition of the committee. The Executive Vice President for Academic Affairs, after considering the views of the Associate Vice President for Health Research, the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of the Medical Center and the MFA Representative, will determine whether to replace the challenged member with a qualified substitute within five (5) business days after receipt of the written objection.

If an inquiry committee is appointed, the committee (under the direction of its chair) will be responsible for taking each of the actions related to the informal inquiry and for preparing the inquiry report that the Associate Vice President for Health Research would otherwise be required to take under Part V(C) and Parts VI(A), VI(B), VI(C)(1), and VI(D). The inquiry committee may request advice from the Associate Vice President for Health Research in carrying out its responsibilities.

## **VI. The Inquiry Report**

### **A. Elements of the Inquiry Report**

A written inquiry report will be prepared by the Associate Vice President for Health Research that states the specific allegations, the identity of each expert or consultant who participated in the inquiry; the PHS support, if any; a summary of the inquiry process used; a list of the research records reviewed; summaries of any interviews; a description of the evidence in appropriate detail; and a recommendation as to whether an investigation should be conducted, and whether any other actions should be taken if an investigation is not recommended.



B. Comments on the Draft Report by the Respondent and the Complainant.

The Associate Vice President for Health Research will provide the respondent with a copy of the draft inquiry report for comment, and will provide the complainant, if he or she is identifiable and if deemed appropriate by the Associate Vice President for Health Research, with a summary of the inquiry findings for comment.

1. Confidentiality

The Associate Vice President for Health Research will establish reasonable conditions for review to protect the confidentiality of the draft report.

2. Receipt of Comments

The complainant and respondent will provide their comments, if any, to the Associate Vice President for Health Research promptly (usually within fourteen (14) calendar days of their receipt of the draft report). Any comments that the complainant or respondent submits regarding the draft report will become part of the final inquiry report and record. Based on any timely received comments, the Associate Vice President for Health Research will revise and finalize the draft report accordingly.

C. Inquiry Decision and Notification

1. Decision by Executive Vice President for Academic Affairs

The Associate Vice President for Health Research will transmit the final report with his or her recommendations to the Executive Vice President for Academic Affairs. The Executive Vice President for Academic Affairs will make a determination of whether findings from the inquiry provide probable cause to believe that research misconduct has occurred in order to justify conducting an investigation and/or whether other actions are appropriate. The inquiry is completed when the Executive Vice President for Academic Affairs makes this determination.

2. Notification

The Associate Vice President for Health Research will notify both the respondent and the complainant in writing of the decision of the Executive Vice President for Academic Affairs as to whether to proceed to an investigation. The Associate Vice President for Health Research will also notify all appropriate GW officials of the decision.

**D. Time Limit for Completing the Inquiry Report**

The Associate Vice President for Health Research and Technology should ordinarily complete the inquiry and submit his or her report in writing to the Executive Vice President for Academic Affairs in no more than sixty (60) calendar days following the initiation of the inquiry, unless circumstances warrant a longer period. The respondent may request such an extension for good cause. If an inquiry takes longer than 60 days, the circumstances warranting a longer period will be entered into the records of the case and the inquiry report.

**VII. Conducting an Investigation**

**A. Purpose of an Investigation**

The purpose of an investigation is to explore in detail the allegations, to examine the evidence in depth, and to determine specifically whether misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged misconduct involves clinical trials or potential harm to human subjects or the general public or if it affects research that forms the basis for public policy, clinical practice, or public health practice. The findings of the investigation will be set forth in an investigation report.

**B. Sequestration of the Research Records**

If there are any additional pertinent research records that were not previously secured during the inquiry, the Associate Vice President for Health Research should promptly secure such records in a confidential manner. The need for additional sequestration of records may occur for any number of reasons, including GW's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured.

**C. Appointment of the Investigation Committee**

The Associate Vice President for Health Research will consult the following: the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of the Medical Center and the MFA Representative, and will appoint an investigation committee and the committee chair following notification to the respondent that an investigation is planned. The investigation committee will consist of at least three individuals who do not have real or apparent conflicts of

interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegations, interview the principals and key witnesses, and conduct the investigation. These individuals may be scientists, administrators, subject matter experts, lawyers, or other qualified persons, and they may be from inside or outside the institution.

The Associate Vice President for Health Research will ordinarily notify the respondent of the proposed committee membership within five (5) business days of its appointment. If the respondent objects to one or more members of the investigation committee, the respondent will submit a written objection to the Associate Vice President for Health Research, the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of the Medical Center and the MFA Representative. Such objection shall be submitted within five (5) business days of receipt of notification of composition of the committee. The Executive Vice President for Academic Affairs, after considering the views of the Associate Vice President for Health Research, the Associate Vice President for Research and Graduate Studies, the Chairs of the Executive Committee and Research Committee of the University Faculty Senate, and (in any Medical Center-related case) the Chair of the Basic Science Faculty Assembly of the Medical Center and the MFA Representative, will determine whether to replace the challenged member with a qualified substitute within five (5) business days after receipt of the written objection.

D. Charge to the Committee and the First Meeting

1. Charge to the Committee

The Associate Vice President for Health Research will define the subject matter of the investigation in a written charge to the committee that describes the allegations and related issues identified during the inquiry, defines research misconduct, and identifies the name of the respondent. The charge will state that the committee is to evaluate the evidence and testimony of the respondent, complainant, and key witnesses to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, to what extent, who was responsible, and its seriousness. The Associate Vice President for Health Research will provide the respondent with a copy of the charge to the committee.

During the investigation, if additional information becomes available that substantially changes the subject matter of the investigation or would suggest additional respondents, the committee will notify the Associate Vice President for Health Research, who will provide the respondent with



notice of any new subject matter of the investigation and will determine whether it is necessary to notify additional respondents of the commencement of an inquiry as to possible research misconduct by them.

2. The First Meeting

The Associate Vice President for Health Research will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of this policy and, where PHS funding is involved, the PHS regulation.

E. Investigation Process

The investigation committee will ordinarily be appointed and the investigation process initiated within thirty (30) days of the completion of the inquiry by the Executive Vice President for Academic Affairs, if findings from that inquiry provide a sufficient basis for conducting an investigation.

The investigation will normally involve examination of all relevant documentation including, as applicable, but not necessarily limited to, research records, computer files, proposals, manuscripts, publications, correspondence, memoranda, and notes of telephone calls. Whenever possible, the committee will interview the complainant(s), the respondents(s), and other individuals who might have information regarding aspects of the allegations. Interviews of the respondent should ordinarily be tape recorded or transcribed. All other interviews should ordinarily be transcribed, tape recorded, or summarized. For major witnesses, summaries or transcripts of the interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.

## VIII. The Investigation Report

A. Comments on the Draft Report

1. Respondent

The Associate Vice President for Health Research will provide the respondent with a copy of the draft investigation report for comment. The draft investigation report will provide a detailed description of all testimony and other evidence upon which the investigation committee intends to rely in making its findings. Within four (4) business days after receipt of the

draft report, the respondent may submit a written request for copies of summaries or transcripts of testimony and copies of other documentary evidence cited in the draft report. The respondent will be permitted fourteen (14) business days from receipt of the draft investigation report or ten (10) business days from the receipt of requested copies of summaries or transcripts of testimony and/or copies of other documentary evidence, whichever is later, to review and comment on the draft report. The respondent's comments will be attached to the final report. The findings of the final report will take into account the respondent's comments in addition to all the other evidence.

2. Complainant

The Associate Vice President for Health Research will provide the complainant, if he or she is identifiable, with those portions of the draft investigation report that address the complainant's role and opinions in the investigation. The report will take into account, as appropriate, the complainant's comments.

3. Confidentiality

In distributing the draft report, or portions thereof, or copies of testimony or other evidence referred to therein, to the respondent and complainant, the Associate Vice President for Health Research will inform the recipient of the confidentiality under which the draft report and all such evidence are made available and may establish reasonable conditions to address such confidentiality. The recipient(s) of the draft report and all evidence made available may be requested to sign a confidentiality statement or to comply with other measures to protect the confidentiality of the draft report.

B. Elements of the Investigation Report

The final report, to be submitted to ORI only when PHS funding is involved, will describe the policies and procedures, under which the investigation was conducted, describe how and from whom information relevant to the investigation was obtained, provide a detailed description of the testimony and other evidence supporting the investigation committee's findings, state the findings, and explain the basis for the findings. A finding of research misconduct requires that: (1) there be a significant departure from accepted practices of the relevant research community; and (2) the misconduct be committed intentionally, or knowingly, or recklessly; and (3) the allegation be proven by a preponderance of the evidence. The report will include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct as well as recommendations for actions to redress the consequence of the misconduct, if demonstrated, in

accordance with the provisions of the **Faculty Code or the Manual of Personnel Policies for the Use of Supervisory Staff** or, in the case of a student, the Guide to Student Rights and Responsibilities.

C. Transmittal of the Final Investigation Report to Executive Vice President for Academic Affairs

After comments have been received and the necessary changes have been made to the draft report, the investigation committee ~~should~~ will transmit the final report with attachments, including the respondent's and complainant's comments, to the Executive Vice President for Academic Affairs.

D. GW Review and Decision

The Executive Vice President for Academic Affairs will make the final determination whether to accept the investigation committee's report, its findings, and any recommendations, including any recommendations for actions to redress the consequence of the misconduct in accordance with the **Faculty Code or the Manual of Personnel Policies for the Use of Supervisory Staff** or, in the case of a student, the **Guide to Student Rights and Responsibilities**. If this determination varies from that of the investigation committee, the Executive Vice President for Academic Affairs will explain the basis for rendering a decision different from that of the investigation committee in the letter that GW will transmit with the report to ORI in cases of PHS-funded research. The explanation of the Executive Vice President for Academic Affairs will be consistent with the definition of research misconduct set forth above, the policies and procedures of GW, and the evidence reviewed and analyzed by the investigation committee. The Executive Vice President for Academic Affairs may also return the report to the investigation committee with a request for further fact-finding or analysis. The determination of the Executive Vice President for Academic Affairs, together with the investigation committee's report, constitutes the final investigation report for purposes of ORI review.

When a final decision on the case has been reached, the Associate Vice President for Health Research will notify both the respondent and the complainant in writing. The Associate Vice President for Health Research shall provide a copy of the final written decision to the respondent. In addition, the Executive Vice President for Academic Affairs will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The Associate Vice President for Health Research is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

E. Time Limit for Completing the Investigation Report

An investigation ~~should~~ shall ordinarily be completed within one hundred and twenty (120) days of the first meeting of the investigation committee. This includes conducting the investigation, preparing the report of findings, making the draft report available to the subject of the investigation for comment, submitting the report to the Executive Vice President for Academic Affairs for final decision, and submitting the report to the ORI when PHS funding is involved. The Executive Vice President for Academic Affairs ~~should~~ shall ordinarily issue a final decision within thirty (30) days after receiving the investigation report.

**IX. Requirements for Reporting to ORI**

- A. When PHS funding is involved, GW's decision to initiate an investigation will be reported in writing to the Director of the ORI, on or before the date of the first meeting of the investigation committee. At a minimum, the notification will include the name of the person(s) against whom the allegations have been made, the general nature of the allegation as it relates to the definition of research misconduct set forth above, and the PHS applications or grant number(s) involved. ORI will also be notified of the final outcome of the investigation and will be provided with a copy of the investigation report. Any significant variations from the provisions of GW's GW policies and procedures will be explained in any reports submitted to ORI.
- B. If In the event that GW plans to terminate an inquiry or investigation for any reason without completing all relevant requirements of the PHS regulation, the Associate Vice President for Health Research will submit a report of the planned termination to ORI, including a description of the reasons for the proposed termination.
- C. In the event that GW determines that it will not be able to complete the investigation relating to PHS-funded research in one hundred and twenty (120) days, the Associate Vice President for Health Research will submit to ORI a written request for an extension that explains the delay, reports on the progress to date, estimates the date of completion of the report, and describes other necessary steps to be taken. If the request is granted, the Associate Vice President for Health Research will file periodic progress reports as requested by the ORI.
- D. When PHS funding or applications for funding are involved and an admission of research misconduct is made, the Associate Vice President for Health Research will contact ORI for consultation and advice. Normally, the individual making the admission will be asked to sign a statement attesting to the occurrence and extent of misconduct.

- E. The Associate Vice President for Health Research will notify ORI at any stage of the inquiry or investigation if:
1. there is an immediate health hazard involved;
  2. there is an immediate need to protect Federal funds or equipment;
  3. there is an immediate need that could be addressed by PHS to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
  4. it is probable that the alleged incident is going to be reported publicly; or
  5. the allegation involves a public health sensitive issue, *e.g.*, a clinical trial; or
  6. there is a reasonable indication of possible criminal violation. In this instance, GW will ordinarily inform ORI within 24 hours of obtaining that information.

#### **X. Requirements for Reporting to Other Agencies**

The Associate Vice President for Health Research will be responsible for making reports and providing information to research funding sponsors other than DHHS in accordance with applicable laws, regulations, and research funding agreements.

#### **XI. GW Administrative Actions**

GW will take appropriate administrative actions against individuals when an allegation of research misconduct has been substantiated. If the Executive Vice President for Academic Affairs determines that the alleged misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken, after consultation with the Associate Vice President for Health Research. The actions may include:

- withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found.
- removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment, provided such actions are consistent with the **Faculty Code** or **the Manual of Personnel Policies for the Use of Supervisory Staff** or, in the



case of a student, the **Guide to Student Rights and Responsibilities**;

- restitution of funds as appropriate.

## **XII. Other Considerations**

### **A. Termination of GW Employment or Affiliation Prior to Completing Inquiry or Investigation**

The termination of the respondent's GW employment or affiliation, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the misconduct procedures.

If the respondent, without admitting to the misconduct, elects to resign his or her position prior to the initiation of an inquiry, but after an allegation has been reported, or during an inquiry or investigation, the inquiry or investigation will proceed. If the respondent refuses to participate in the process after resignation, the Associate Vice President for Health Research or the investigation committee, as appropriate, will use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent's failure to cooperate and its effect on the committee's review of all the evidence.

### **B. Restoration of the Respondent's Reputation**

If GW finds no misconduct, and, after an investigation, ORI concurs, the Associate Vice President for Health Research will consider appropriate efforts, in consultation with the respondent, to address any concerns relating to the respondent's reputation and any public knowledge of the inquiry and/or investigation conducted by GW. Depending on the particular circumstances, the Associate Vice President for Health Research should consider such actions as notifying those individuals aware of or involved in the inquiry and/or investigation of the final outcome, publicizing the final outcome in forums in which the allegation of research misconduct was previously publicized or in other forums reasonably requested by the respondent (including relevant scholarly journals and publications of relevant academic or professional organizations), and including clear reference to findings of no research misconduct in the respondent's official personnel file. Any GW actions to address the respondent's reputation may be discussed with the Executive Vice President for Academic Affairs. In response to reasonable requests from elected faculty representatives or other University officials, the Executive Vice President for Academic Affairs will give careful consideration to additional measures to address concerns of the respondent relating to the consequences of the inquiry and/or investigation conducted by GW, including consideration of interim support (ordinarily not to exceed one year) for the respondent's ongoing research activities.

C. Protection of the Complainant and Others

Regardless of whether GW or ORI determines that research misconduct occurred, the Associate Vice President for Health Research will undertake reasonable efforts to protect complainants who made allegations of research misconduct in good faith and others who cooperate in good faith with inquiries and investigations of such allegations. Upon completion of an investigation, the Executive Vice President for Academic Affairs will determine, after consulting with the complainant, what steps, if any, are appropriate to protect the position or reputation of the complainant. The Associate Vice President for Health Research will be responsible for coordinating such steps, in consultation with the Executive Vice President for Academic Affairs. The Associate Vice President for Health Research will also take appropriate steps during the inquiry and investigation to prevent any known or reasonably suspected retaliation against the complainant.

D. Allegations Not Made in Good Faith

If relevant, the Associate Vice President for Health Research will determine whether the complainant's allegations of research misconduct were made in good faith. If an allegation was not made in good faith, the Associate Vice President for Health Research will determine whether any administrative action should be taken against the complainant.

E. Interim Administrative Actions

GW officials will take interim administrative actions, as appropriate, to protect Federal funds, protect ongoing research activities, and ensure that the purposes of the Federal financial assistance are carried out.

### **XIII. Record Retention**

After completion of a case and all ensuing related actions, the Associate Vice President for Health Research will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the him or her or to the investigation committee. The Associate Vice President for Health Research and Technology will keep the file for seven years after completion of the case or the completion of any PHS proceeding involving the research misconduct allegation, whichever is later. ORI or other authorized DHHS personnel will be given access to the records upon request, for cases related to PHS funding.

Resources:



- Federal Policy on Research misconduct—[www.ostp.gov/html/001207\\_3.htm](http://www.ostp.gov/html/001207_3.htm)
- Model Policy for Responding to Allegations of Research misconduct —<http://ori.dhhs.gov>
- PHS Regulations—42 CFR 50.101 et seq.
- PHS Proposed Rules, Federal Register, Vol. 69, No. 74

**A RESOLUTION TO ENDORSE REVISED DISCLOSURE FORMS AND  
CONFORMING CHANGES TO THE GEORGE WASHINGTON UNIVERSITY  
POLICY ON CONFLICTS OF INTEREST AND COMMITMENT (04/6)**

**WHEREAS**, federal requirements regarding conflicts of interest pertaining to federally-sponsored research were first addressed in The George Washington University Policy on Conflicts of Interest in Federally Funded Research (1995); and

**WHEREAS**, this policy was superseded by The George Washington University Policy on Conflicts of Interest and Commitment (1998) (hereinafter the "Policy on Conflicts of Interest"), whose scope included not only research conflicts of interest but other conflicts of interest and commitment involving faculty members and persons responsible for the design, conduct, or reporting of externally funded programs (hereinafter "Investigators"); and

**WHEREAS**, the Policy on Conflicts of Interest was amended in May 2004, in order to bring the Policy into compliance with applicable federal regulations concerning conflicts of interest in externally-sponsored research; and

**WHEREAS**, the University Administration has proposed two revised disclosure forms, pursuant to the Policy on Conflicts of Interest, to be completed by (1) faculty members and Investigators in connection with their annual reports to the University, and (2) faculty members and Investigators in connection with proposals for external funding (hereinafter "Disclosure Forms"); and

**WHEREAS**, representatives of the Faculty Senate Committee on Professional Ethics and Academic Freedom and the Faculty Senate Committee on Research have met with Administration representatives and, after making modifications, have agreed to the contents of the revised Disclosure Forms; and

**WHEREAS**, representatives of the foregoing Senate Committees and the Administration have also agreed on technical changes to the Policy on Conflicts of Interest in order to make appropriate references to the revised Disclosure Forms; and

**WHEREAS**, the Policy on Conflicts of Interest, marked to show the agreed technical changes, is attached to this Resolution as Exhibit A; and

**WHEREAS**, the revised Disclosure Forms agreed to by representatives of the foregoing Senate Committees and the Administration are attached hereto as Exhibits B and C; and

**WHEREAS**, the Faculty Senate believes that the technical changes to the Policy on Conflicts of Interest and the revised Disclosure Forms are consistent with the best interests of the University and its faculty; **NOW, THEREFORE**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE  
WASHINGTON UNIVERSITY:**

- (1) That the Faculty Senate hereby endorses the proposed technical changes to the Policy on Conflicts of Interest, as shown on Exhibit A attached to this Resolution; and
- (2) That the Faculty Senate hereby endorses the revised Disclosure Forms as referenced in Part IV.A. of the Policy on Conflicts of Interest and attached to this Resolution as Exhibits B and C; and
- (3) That the Faculty Senate expects that, consistent with the procedures described above, future amendments to the Policy on Conflicts of Interest and the Disclosure Forms will be presented to the Faculty Senate for its review and recommendations prior to the adoption thereof by the University.

Faculty Senate Committee on Professional Ethics and Academic Freedom  
Faculty Senate Committee on Research  
January 13, 2005

Adopted, with the underlying documents as amended, January 21, 2005

# Exhibit A

Changes Submitted for Endorsement by Faculty Senate 1/21/05

## POLICY ON CONFLICTS OF INTEREST AND COMMITMENT FOR FACULTY AND INVESTIGATORS

The George Washington University

### Contents

- I. General Statement
- II. Consulting, Other Professional Activities, and Research Support from Outside Entities
- III. Reportable Interests
- IV. Procedures for Review
- V. Resources for Information on Financial Conflicts of Interest

### Disclosure Forms

#### I. GENERAL STATEMENT

##### A. Purpose and scope of policy.

This Policy is designed to assist faculty and the University in the identification of potential and actual conflicts of interest and to support compliance with applicable government regulations. For purposes of this Policy, the terms "Faculty" and "Faculty Member" mean those individuals defined in the Faculty Code, pages 1 and 2, section I, subsection B, items 1, 3, and 4, and the term Investigator refers to any person responsible for the design, conduct or reporting of externally sponsored University research, including without limitation Research Scientists, Senior Research Scientists and Lead Research Scientists.

##### B. Underlying principles.

The Faculty Code states, "faculty shall have a primary responsibility of devoting their time, thought, and energy to service of the University." Of no less importance is a Faculty Member's responsibility to further his or her own professional development and the goals of his or her professional discipline. Normally a Faculty Member's participation in activities of governmental, industrial, and professional institutions is consistent with academic interests of the University and the Faculty Member.

Conflicts of interest may occur when there is a divergence between a Faculty Member's private interests and professional service to the University. Conflicts of interest differ in nature and degree. The goal of any institution cannot be to eliminate all conflicts of interest. Rather it should be to establish boundaries within which conflicts of interest are tolerable and beyond which they are intolerable; processes for review of actual and apparent conflicts of interest; and appropriate mechanisms for management of tolerable conflicts of interest.

Faculty activities shall be conducted in a manner that avoids inappropriate conflicts of interest. As specifically described in Sections II and III, conflicts of interest may require review and oversight when:

1. the University is deprived of appropriate (compensated) time and effort of the Faculty Member due to external commitments (for example, when a Faculty Member exceeds the limitations of the "one-day-a-week" rule set forth in Section II.B.; or accepts obligations that may frequently conflict with scheduled classes or other academic responsibilities);
2. substantial use is made of human and material resources of the University for non-University purposes (for example, when a Faculty Member or Investigator inappropriately uses University equipment, supplies, personnel, and other facilities and resources for activities that yield financial

benefit to the Faculty Member, Investigator or a third party; or receives outside financial incentives that distort scholarly activity or the shaping of academic goals; or facilitates the erroneous impression that the University endorses or is connected to an outside activity);

3. the Faculty Member's or Investigator's extra-University financial involvements affect, or reasonably appear to have a significant potential to affect, his or her academic responsibilities, or compromise basic scholarly activity or freedom of action (for example, when a Faculty Member or Investigator hires a family member; or enters into an agreement to limit or delay the free publication, or access to the results, of sponsored research, other than according to normal University practice (as in the case of patents); or has a reportable interest in a transaction described in Section III.B.; or when a Faculty Member, Investigator or his or her immediate family member is a founder, board member or equity stakeholder in a company sponsoring the Faculty Member's or Investigator's research); or

4. the University is deprived of appropriate potential financial gain (for example, when a Faculty Member or Investigator inappropriately seeks to obtain research support in a manner that substantially undermines responsibilities of the Office of Sponsored Research; or has an outside commitment that provides an individual or organization, other than the University, intellectual or tangible property rights, such as patent ownership or license rights, that ought to accrue to the University).

#### C. Nature of policy.

Because precise boundaries are difficult to establish without reference to specific facts, it is prudent to establish a flexible, not formulaic, approach based on principles of fairness and trust. Fairness is advanced by policies firm enough to provide clear guidance and consistency, yet sufficiently flexible to accommodate diversity of discipline and unique circumstance. Trust is advanced by appropriate disclosure and discussion. In light of these principles, this Policy has two essential elements: (1) Faculty are provided a mechanism to report and seek guidance concerning significant actual, potential, and apparent conflicts of interest, thus to ensure appropriate disclosure and that the interests of the Faculty Member and the University are well served. To promote fairness, all Faculty are required to report, as set forth in this Policy. (2) Each school shall administer in accordance with this Policy: a procedure for annual Faculty disclosure of reportable actual, potential, and apparent conflicts of interest; disclosure by Faculty of information pertinent to such conflicts; and a procedure for review and resolution of any lack of agreement arising from disclosure of such conflicts.

#### D. Obligation of University.

In its promotion and administration of research and otherwise, the University shall be sensitive to prospective conflicts of interest involving Faculty and Investigators, including, for example, with respect to (1) the independence of Faculty and Investigators to determine subjects of research and scholarship and (2) enabling Faculty and Investigators to report accurately their time and effort.

## II. CONSULTING, OTHER PROFESSIONAL ACTIVITIES, AND RESEARCH SUPPORT FROM OUTSIDE ENTITIES

#### A. The merit of external involvements.

Increasingly, industry and government rely on university faculties for advice. Such practical contributions from higher education institutions to the nonacademic world have provided many Faculty Members the opportunity to use their knowledge and talents constructively, to strengthen their competence through a greater variety of professional experiences, to enhance the Faculty Member's and the University's scholarly reputation, and to serve the public interest.

#### B. "One-day-a-week" rule.

A full-time Faculty Member may spend the equivalent of up to one working day a week on average during the academic year on outside consulting and other professional activities, provided such commitments do not interfere with University obligations. Payments for such activities are negotiated by the Faculty Member directly and do not involve the University. This privilege is not extended to research Faculty Members paid wholly from research grants or contracts, or other physician Faculty Members whose University contracts preclude such activities.

C. Administration of the rule.

The department chair (or, where applicable, head of other pertinent academic unit) and the dean are responsible for ensuring compliance with this Policy and that no Faculty Member abuses this privilege. In particular, Faculty involved in private income-producing activities shall not, absent prior written approval by the Executive Vice President for Academic Affairs ("Executive Vice President"), for such purposes substantially utilize University space or resources or the services of secretaries or other University staff, provided that this Policy does not prohibit incidental use of personal office space, local telephone, library resources, and personal computer equipment.

D. Need for written sponsored-research agreements.

Before the University enters into any arrangement in which an entity outside the University provides support for research, a clearly stated written agreement should be negotiated that sets forth the Faculty Member's, the Investigator's, the University's, and the external entity's expectations. Funding amounts and other financial arrangements, realistic timetables for mutually agreed objectives, and intellectual property agreements should be in writing before work begins. If the research project involves or may potentially involve a product or service with commercial potential, that prospect must be made known to all parties in advance.

III. REPORTABLE INTERESTS

A. Reportable interests (i.e., "significant financial interests") defined.

This Section III and the disclosure requirements contained in Section IV apply only to transactions and relationships, described in Section III.B, that involve a Faculty Member,<sup>1</sup> Investigator or immediate family member, the University, and an outside entity. For purposes of this Policy:

- "Immediate family member" means spouse/domestic partner and dependent children.
- "Significant financial interest" means (1) any stock, stock option, or similar ownership interest in the outside entity by the Faculty Member or Investigator that, alone or together with interests of immediate family members, is valued at least at the lesser of \$10,000 or five percent of the total ownership interests in the outside entity, excluding any interest arising solely by reason of investment by a mutual, pension, or other institutional investment fund over which neither the Faculty Member, Investigator nor an immediate family member exercises control; or (2) receipt, individually or collectively by a Faculty Member, Investigator and immediate family members, of, or the right or expectation to receive, income, whether in the form of a fee (e.g., consulting), salary, allowance, forbearance, forgiveness, interest in real or personal property, dividend, royalty derived from the licensing of technology or other processes or products, rent, capital gain, real or personal property, or any other form of compensation, or any combination thereof, that over the last 12 months exceeded or over the next 12 months is expected to exceed \$10,000 in income of all types; or (3) that the Faculty

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<sup>1</sup> Principal investigators should take the lead in identifying those individuals in their organizations who are "responsible for the design, conduct or reporting" of externally sponsored University research and therefore are Investigators potentially subject to conflict of interest disclosure requirements. Such individuals may not be limited to the PI and/or co-PI, but could include, depending on the circumstances, persons such as technicians, other staff members and unpaid lab workers.



Member, Investigator or immediate family member provides services as a principal investigator for, or holds a management position in, an outside entity.<sup>2</sup>

B. Transactions covered.

Before the University enters into any transaction potentially presenting an apparent or actual conflict of interest, and annually thereafter, a Faculty Member or Investigator must submit to the school dean a written disclosure of any current or pending relationship of such Faculty Member, Investigator or immediate family member with the outside entity, the relationship of the proposed University activity to the entity, and, if desired, means by which the Faculty Member or Investigator will manage his or her University role in relation to the Faculty Member's, Investigator's or immediate family member's role or interest in the entity. The Disclosure Forms annexed to this Policy pursuant to Part IV.A.1. provide descriptions of covered transactions for which Faculty Members and Investigators must make disclosure. Some examples of such covered transactions are:

1. Gifts to the University of cash or property that will be under the control, or will directly support the teaching or research activities, of a Faculty Member or Investigator from an outside entity in which the Faculty Member, Investigator or immediate family member has a significant financial interest;
2. Sponsored-project proposals as to which the involved Faculty Member, Investigator or immediate family member has a significant financial interest in the proposed sponsor or in a proposed subcontractor, vendor or collaborator;
3. University technology-licensing arrangements with an outside entity in which the Faculty Member, Investigator or immediate family member has a significant financial interest;
4. Procurement of materials or services from an outside entity in which the Faculty Member, Investigator or immediate family member has a significant financial interest, if the Faculty Member or Investigator is personally involved in or has the ability to influence the formation or implementation of the procurement transaction; and
5. Submission to an external sponsor of an application for funding of University research in the design, conduct or reporting of which a Faculty Member or Investigator plans to participate that would reasonably appear to affect the Faculty Member's, Investigator's or immediate family member's interest in an outside entity or would reasonably appear to affect the entity's financial interests.

A Faculty Member or Investigator who seeks funding from or who works on a project funded by an external sponsor must comply with that sponsor's additional requirements, if any, related to disclosure, management, and avoidance of conflicts of interest.

C. Ongoing and elective disclosures.

In addition to disclosures required under Section III.B., Faculty members and Investigators shall disclose to the department chair (or, where applicable, head of other pertinent academic unit) or dean on an ad hoc basis current or prospective situations that are likely to raise questions of reportable conflict of interest under this Policy, including any new reportable significant financial interests, as soon as such situations become known to the Faculty Member or Investigator. In addition, a Faculty Member or Investigator may elect to disclose voluntarily other financial benefit to the Faculty Member, Investigator or immediate family member, related to an existing or contemplated relationship between the University and an outside entity with which the Faculty

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<sup>2</sup> "Significant financial interest" does not include: (1) salary, royalties or other remuneration from the University; (2) income from seminars, lectures or teaching engagements sponsored by public or non-profit entities; or (3) income from service on advisory committees or review panels for public or non-profit entities.



Member, Investigator or immediate family member is or expects to be involved, if the Faculty Member or Investigator deems it desirable to seek review in accordance with the procedures specified in Section IV.

D. Additional reporting procedures for research.

Consistent with the requirements of external sponsors, including federal government agencies, this Policy is designed to identify potential, actual and apparent conflicts of interest and support compliance with applicable rules and regulations. A number of external organizations, in particular the Public Health Service and the National Science Foundation, have developed policies requiring the disclosure of financial conflicts of interest. Under PHS and NSF rules and regulations,<sup>3</sup> a Faculty Member or Investigator utilizing or seeking PHS or NSF funding has a potential conflict of interest if the Faculty Member, Investigator or his/her immediate family member has a "significant financial interest" (as defined in paragraph III.A, above) that could directly and significantly affect the design, conduct or reporting of the PHS- or NSF-funded research.<sup>4</sup> The University is required to report to PHS, prior to the expenditure of any funds under a PHS award, the existence (but not the nature) of any conflict and to assure PHS that the conflict has been managed, reduced or eliminated. For conflicting interests identified subsequent to the University's initial report under a PHS award, the University is obligated to report the conflict and manage, reduce or eliminate it, at least on an interim basis, within 60 days of its identification. NSF also requires the University to report any conflict the University is unable to manage satisfactorily. As part of the NSF grant proposal process, the University additionally must certify that actual or potential conflicts were, or prior to funding will be, managed, reduced, or eliminated, or disclosed to NSF.

In order to manage conflicts of interest, the University may impose conditions or restrictions on itself, on the design and conduct of research, and on Faculty Members and Investigators, such as requiring:

- 1) public disclosure of significant financial interests;
- 2) monitoring of research by independent reviewers;
- 3) modification of the research plan;
- 4) disqualification from participation in all or part of the funded research;
- 5) divestiture of the significant financial interest; and/or
- 6) severance of relationships that create actual, potential or reasonably apparent conflicts of interest.

If a Faculty Member or Investigator fails to comply with this Policy and, as a result, has biased the design, conduct or reporting of PHS-funded research, the University will promptly notify PHS of the corrective action taken or to be taken. Furthermore, in any case where a PHS-funded project of clinical research evaluating the safety or effectiveness of a drug, medical device or treatment has been designed, conducted or reported by a Faculty Member or Investigator with a conflicting interest that was not disclosed or managed as required by this Policy, the University will require the Faculty Member or Investigator to disclose the conflicting interest in each public presentation of the results of the research, and the Faculty Member or Investigator shall do so.

In accordance with PHS and NSF requirements, the University will maintain all records of financial disclosures made by Faculty Members and Investigators and actions taken by the University with respect to conflicts of interest for at least three years from the termination or completion of the relevant grant, and will make such records available in appropriate circumstances for inspection and review upon request by those agencies.

<sup>3</sup> See PHS 42 CFR Part 50, Subpart F, "Responsibility of Applicants for Promoting Objectivity in Research for Which PHS Funding is Sought," and PHS 45 CFR Part 94, "Responsible Prospective Contractors." PHS excludes Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Program Phase I applications from its regulations. NSF conflict of interest rules are incorporated into the NSF Grant Policy Manual, Ch. V, Sec. 510, "Conflict of Interest Policies," NSF Grant General Conditions and NSF Grant Proposal Guide. See Section V of this Policy for a list of resources providing information on financial conflicts of interest.

<sup>4</sup> PHS defines "research" as: "A systemic investigation designed to develop or contribute to generalizable knowledge relating broadly to public health, including behavioral and social-sciences research. The term encompasses basic and applied research and product development. As used in [the PHS regulations], the term includes any such activity for which research funding is available from a PHS Awarding Component through a grant or cooperative agreement, whether authorized under the PHS Act or other statutory authority."

Furthermore, pursuant to PHS requirements, all subgrantees, contractors and collaborators on PHS-funded research at the University must either comply with this Policy or provide assurances to the University that enable the University to satisfy PHS regulations.

Faculty Members and Investigators also should be aware of Food and Drug Administration (FDA) regulations (21 CFR 54) regarding conflicts of interest, which apply to any applicant who submits a marketing application for a human drug, biological product or device, and who submits clinical studies covered by the regulation. The regulations require the disclosure of conflicts or a certification that no financial conflicts exist.

Other sponsors may have specific requirements regarding the disclosure of financial interests. For more information, contact the sponsor or the Office of Research Services.

#### IV. PROCEDURES FOR REVIEW

##### A. Review of disclosure form; management of disclosed conflicts.

1. Faculty Members and Investigators shall supply the annual and ad hoc disclosures required by Section III on the annexed Disclosure Forms, for confidential review by the Administration. Each dean shall forward to the Executive Vice President a copy of each Disclosure Form submitted by a Faculty Member or Investigator, any related material submitted by a Faculty Member or Investigator, and the dean's recommendation for action.
2. If the dean, with the concurrence of the Executive Vice President, determines that the conduct disclosed is permissible under this Policy, the Faculty Member or Investigator shall be so informed in writing. Guidance on types of conduct approved shall be provided the Faculty from time to time, without identifying Faculty Members or Investigators who received approval.
3. If the dean or the Executive Vice President determines that the conduct may present an actual conflict of interest, or reasonably appears to present a significant potential for such a conflict of interest, within the scope of this Policy, conditions or restrictions to manage or prohibit the conflict, agreeable to the Executive Vice President, may be imposed. Such conditions or restrictions may include, but are not limited to: Public disclosure of significant financial interests; monitoring of research by independent reviewers; modification of the research plan; disqualification from participation in all or part of an externally funded research project; divestiture of significant financial interests; and severance of relationships that create actual or reasonably apparent conflicts of interest.
4. It is not the object of this Policy to discourage outside activities by Faculty and Investigators that present no actual or reasonably apparent conflict of interest within the scope of this Policy. Instead, the review process is designed to allow Faculty Members and Investigators to undertake permissible activities without concern about later criticism, to provide the University accurate information about those Faculty and Investigator activities, and to be fair to all involved.

##### B. Procedures for resolving disputes about conflicts.

1. If a dean learns from a Faculty Member, Investigator or otherwise of conduct the dean believes presents a significant question under this Policy, the dean should discuss the conduct with the Faculty Member or Investigator; shall relate his or her findings to the Executive Vice President, and subject to the concurrence of the Executive Vice President shall advise the Faculty Member or Investigator whether the conduct is permissible under this Policy without conditions or restrictions; (b) may be undertaken subject to conditions or restrictions as described in Section IV.A.3 above; (c) or should cease, subject to

further review. If the dean or Executive Vice President determines that conditions or restrictions should be imposed, the Faculty Member or Investigator shall, as the case may be, cease the conduct, accept the conditions or restrictions agreeable to the Executive Vice President, or seek review of the matter by the school's Conflicts Consultation Committee.

2. Any member of the University community ("Complainant") may bring directly to the attention of a school's Committee a probative and not frivolous matter alleged to be reportable under this Policy. A Faculty Member or Investigator whose activity has been questioned shall be entitled to know the identity of the person or persons bringing such allegations to the Committee and the full extent of the allegations.
3. A school's Conflicts Consultation Committee, unless otherwise authorized by the Executive Vice President, shall be composed of at least five Faculty Members of the school, elected, ordinarily annually, by the Faculty of the school. The Committee's function shall be to conduct a hearing if necessary, to make written findings about any disputed facts, and to write a reasoned recommendation as to whether the conduct entails a reportable conflict of interest under this Policy and whether the conduct may be undertaken subject to conditions or restrictions.
4. The dean, the Executive Vice President, the Complainant, the Faculty Member or the Investigator may consult a member of the Conflicts Consultation Committee informally, with that member's consent, before the matter is referred to it, to discuss whether a given activity would entail a reportable conflict of interest under this Policy and/or what if any conditions or restrictions would be appropriate, but no such informal advice should bind any party to the process described above. The Committee member who has provided such consultation shall not participate in the hearing or decision.
5. The Executive Vice President shall review the Committee's recommendation, confer with the Dean, and render a formal decision.
6. A Faculty Member or Investigator dissatisfied with the Executive Vice President's decision may appeal it to the University Conflicts Resolution Panel ("Panel"), which shall be composed of five Faculty Members nominated by the Faculty Senate Executive Committee in consultation with the Executive Vice President and elected by the Faculty Senate. Members of the Panel shall ordinarily serve for staggered three-year terms.
7. The Panel shall be bound by the factual findings of the school Conflicts Consultation Committee unless in the judgment of the Panel the school Committee clearly failed to consider important facts submitted to it. Ordinarily there should be no need for a hearing before the University Panel and no augmenting of the factual record.
8. A member of the Panel from the school from whose Committee the appeal is taken may not participate in the appeal. No informal or other ex parte communication with members of the Panel shall be permitted as to a matter that has been or may be brought before the Panel.
9. The Panel shall render its report to the affected Faculty Member or Investigator, the dean, and the Executive Vice President. The conclusion of the Panel shall be forwarded to the Administration for final disposition.
10. To the extent that conduct of Faculty or Investigators who are identified in Section I.D.1. is ultimately determined to be impermissible under this Policy, the Executive Vice President (or other supervisors, for Investigators) may impose sanctions not inconsistent with the substantive and procedural requirements of the Faculty Code (or other applicable procedures).

11. A Faculty Member or Investigator whose conduct has been ultimately determined to be permissible under this Policy shall be insulated from school or University sanction for that conduct. However, another Faculty Member or Investigator may not rely on an approval that addressed a different Faculty Member's or Investigator's conduct, as it may have been based on unique circumstances.

## V. RESOURCES FOR INFORMATION ON FINANCIAL CONFLICTS OF INTEREST

NIH home page:  
[www.nih.gov](http://www.nih.gov)

NIH conflict of interest requirements:  
<http://grants1.nih.gov/grants/policy/emprograms/overview/ep-coi.htm>

NIH list of conflict of interest information resources available on the Web:  
<http://grants1.nih.gov/grants/policy/coi/resources.htm>

NSF home page:  
[www.nsf.gov](http://www.nsf.gov)

NSF "Grant Policy Manual, Chapter V – Grantee Standards":  
<http://www.nsf.gov/pubs/2002/nsf02151/gpm5.htm>

Frequently asked questions concerning PHS and NSF investigator conflicts of interest  
[www.nih.gov/grants/policy/coifaq.htm](http://www.nih.gov/grants/policy/coifaq.htm)

FDA home page:  
[www.fda.gov](http://www.fda.gov)

FDA "Device Advice: Financial Disclosure":  
[www.fda.gov/cdrh/devadvice/ide/financial.shtml](http://www.fda.gov/cdrh/devadvice/ide/financial.shtml)

FDA guidance "Financial Disclosure by Clinical Investigators":  
[www.fda.gov/oc/guidance/financialdis.html](http://www.fda.gov/oc/guidance/financialdis.html)

DHHS draft interim guidance "Financial Relationships in Clinical Research: Issues for Institutions, Clinical Investigators and IRBs to Consider When Dealing with Issues of Financial Interests and Human Subject Protection":  
<http://ohrp.osophs.dhhs.gov/humansubjects/finreltn/finguid.htm>

National Bioethics Advisory Committee publication: "Ethical and Policy Issues in Research Involving Human Participants":  
<http://bioethics.georgetown.edu/nbac/pubs.html>

Association of American Medical Colleges Task Force on Financial Conflicts of Interest in Clinical Research report "Protecting Subjects, Preserving Trusts, Promoting Progress – Policy and Guidelines for the Oversight of Individual Financial Interests in Human Subjects Research":  
<http://www.aamc.org/members/coitf/firstreport.pdf>

Association of American Universities Task Force on Research Accountability "Report on Individual and Institutional Financial Conflict of Interest":  
<http://www.aau.edu/research/COI.01.pdf>

Council on Governmental Relations, "Recognizing and Managing Personal Financial Conflicts of Interest" (2002) (available in hard copy from the University Office of Research Services and the Medical Center Office of Health Research, Compliance and Technology Transfer)

Adopted by the Faculty Senate of The George Washington University, 13 February 2004

Adopted by The George Washington University Board of Trustees, 14 May 2004



## Exhibit B

Submitted for Endorsement by the Faculty Senate on 1/21/05

### Annual Faculty Member and Investigator Financial Interest Disclosure Form

Pursuant to The George Washington University Policy on Conflicts of Interest  
and Commitment for Faculty and Investigators (May 14, 2004)

The Faculty Senate and the Board of Trustees approved an updated University-wide *Policy on Conflicts of Interest and Commitment for Faculty and Investigators* in May 2004. The full policy is available at [my.gwu.edu/files/policies/ConflictofInterestandcommitment.pdf](http://my.gwu.edu/files/policies/ConflictofInterestandcommitment.pdf). The policy requires that each faculty member and investigator complete this form yearly.

The purpose of this form is to assist faculty, investigators, and the University in the identification of potential and actual conflicts of interest and to support compliance with applicable government regulations. Because of the complexities of The George Washington University, it is not unusual for an employee to respond affirmatively to one or more of the following questions. An affirmative response in no way implies that a conflict of interest necessarily exists or, if it does, that it cannot be managed. Please be assured that responses to this questionnaire may be submitted on a confidential basis and will be held strictly in confidence, and that ~~R~~responses requiring further clarification will be brought to your immediate attention.

Faculty Member or Investigator Name: \_\_\_\_\_

Department/Unit: \_\_\_\_\_

College/Unit: \_\_\_\_\_

### **PART I (To be completed by all Faculty and Investigators)**

#### **A. Definitions**

The term *significant financial interest* means

(1) any stock, stock option, or similar ownership interest in an outside entity by the Faculty Member or Investigator that, alone or together with interests of immediate family members, is valued at least at the lesser of \$10,000 or five percent of the total ownership interests in the outside entity, excluding any interest arising solely by reason of investment by a mutual, pension, or other institutional investment fund over which neither the Faculty Member, Investigator nor any immediate family member exercises control; or

(2) receipt, individually or collectively by a Faculty Member, Investigator and immediate family members of, or the right or expectation to receive, income, whether in the form of a fee (e.g.,

consulting), salary, allowance, forbearance, forgiveness, interest in real or personal property, dividend, royalty derived from the licensing of technology or other processes or products, rent, capital gain, real or personal property, or any other form of compensation, or any combination thereof, that over the last 12 months exceeded or over the next 12 months is expected to exceed \$10,000 in income of all types; or

(3) that the Faculty Member, Investigator, immediate family member or close family member provides services as a principal investigator for, or holds a management position in, an outside entity; or

(4) that a close family member holds an ownership interest in an outside entity or has a right to receive income from an outside entity, if such ownership interest or right to receive income would be treated as a "significant financial interest" with respect to a Faculty Member or Investigator under (1) or (2), above.

*Significant financial interest* does not include: (1) salary, royalties or other remuneration from the University; (2) income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities; or income from service on advisory committees or review panels for public or non-profit entities.

*The George Washington University (and University)* means The George Washington University and any entity owned in whole or in part, directly or indirectly, or controlled by the University, including the Medical Faculty Associates (MFA) and any joint venture.

*Gifts* do not include honoraria (e.g., remuneration or gifts-in-kind) received in connection with (1) participation in seminars, lectures, or teaching engagements sponsored by public or non-profit entities or (2) service on advisory committees or review panels for public or non-profit entities.

*Immediate family member* includes an employee's spouse/domestic partner and dependent children.

*Close family member* includes an employee's non-dependent children, as well as father, mother, sisters and brothers of the employee and the employee's spouse/domestic partner.

*Material conflict of interest* means a conflict of interest that has the potential (i) to influence a person's decisions or conduct or (ii) to have a non-trivial impact on the financial situation of a person or an entity in which that person or an immediate family member has a significant financial interest.

*To your knowledge* means your actual knowledge or knowledge that you should reasonably be expected to have based on information that has been provided to you or is in your possession. *To your knowledge* does not imply a duty to make inquiries to discover facts that are not known to you or to obtain information that has not been provided to you or is not in your possession.



**B. Certification as to Employee and Immediate Family Members**

1. Do you have, or does any immediate family member have, any of the relationships, transactions, activities, or financial interests described below in subparagraphs (a) through (h)?

(a) An outside entity in which you have or an immediate family member has a significant financial interest has made, or will make, a gift to The George Washington University of cash or property that will be under your control or will directly support your teaching or research activities.

(b) You have or an immediate family member has a significant financial interest in the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, a sponsored project involving The George Washington University.

(c) You have an actual or proposed technology licensing or commercialization arrangements with an outside entity in which you have or an immediate family member has a significant financial interest and where those arrangements might reasonably be perceived as involving or creating the appearance of a material conflict of interest with your appointment at The George Washington University.

(d) You are or will be personally involved in, or you have or will have the ability to influence the formation or implementation of, a transaction in which The George Washington University, directly or indirectly, is procuring or will procure property, goods or services from an outside entity in which you have or an immediate family member has a significant financial interest.

(e) The design, conduct or reporting of your current or proposed externally funded research at The George Washington University does impact or will impact a significant financial interest that you hold or an immediate family member holds in an outside entity.

(f) You are or an immediate family member is a director, officer, sole owner, partner, employee, agent, consultant, or advisor of a business enterprise that to your knowledge supplies The George Washington University with any property, goods, or services.

(g) You have or an immediate family member has a significant financial interest in a business enterprise (excluding any investment representing less than 1 percent of the total equity of a publicly traded entity) that to your knowledge supplies The George Washington University with any property, goods, or services.

(h) You are a director, officer, sole owner, partner, employee, agent, consultant, or advisor of, or you have a significant financial interest in, a business

enterprise (other than The George Washington University) that to your knowledge engages in the business of higher education or the delivery of patient care services.

Yes \_\_\_\_\_ No \_\_\_\_\_

2. In the past 12 months, to the best of your knowledge, have you or has any immediate family member received a loan of money, property, or services in the amount of \$250 or more (excluding any loan from a bank or other financial institution), or received a gift of money, property, services, or out-of-home entertainment with a value exceeding \$100, from a business enterprise that to your knowledge supplies property, goods, or services to The George Washington University?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. In the past 12 months, to the best of your knowledge, have you received a loan of money, property, or services in the amount of \$250 or more (excluding a loan from a bank or other financial institution), or received a gift of money, property, services, or out-of-home entertainment with a value exceeding \$100, from a business enterprise (other than The George Washington University) that engages in the business of higher education or patient care services?

Yes \_\_\_\_\_ No \_\_\_\_\_

4. Do you have, or does any immediate family member have, any other relationships, transactions, activities, or financial interests that might reasonably be perceived as involving, or creating the appearance of, a material conflict of interest with your appointment at The George Washington University?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer to any of the above Questions 1-4 is Yes, please give details, including identifying the business enterprise(s) and describing your or your immediate family member's relationship to it, as well as the approximate value of any income or financial interest, loan or gift. (Where more space is required for your answers, please attach additional pages to this questionnaire.)

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**C. Certification as to Employee and Close Family Members**

1. To your knowledge, do you have or does any close family member have any of the relationships, transactions, activities, or financial interests described below in subparagraphs (a) through (g)?

(a) An outside entity in which a close family member has a significant financial interest has made, or it will make, a gift to The George Washington University of cash or property that will be under your control or will directly support your teaching or research activities.

(b) A close family member has a significant financial interest in the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, a sponsored project involving The George Washington University.

(c) You have an actual or proposed technology licensing or commercialization arrangements with an outside entity in which a close family member has a significant financial interest and where those arrangements might reasonably be perceived as involving or creating the appearance of a material conflict of interest with your appointment at The George Washington University.

(d) You are or will be personally involved in, or you have or will have the ability to influence the formation or implementation of, a transaction in which The George Washington University is procuring or will procure property, goods, or services from an outside entity in which a close family member has a significant financial interest.

(e) The design, conduct or reporting of your current or proposed externally funded research at The George Washington University does impact or will impact a significant financial interest that a close family member holds in an outside entity.

(f) A close family member is a director, officer, sole owner, partner, employee, agent, consultant, or advisor of a business enterprise that to your knowledge supplies The George Washington University with any property, goods, or services.

(g) A close family member has a significant financial interest in a business enterprise (excluding any investment representing less than 1 percent of the total equity of a publicly traded entity) that to your knowledge supplies The George Washington University with any property, goods, or services.

Yes \_\_\_\_\_ No \_\_\_\_\_

2. In the past 12 months, to your knowledge, has a close family member received a loan of money, property, or services in the amount of \$250 or more (excluding any loan from a bank or other financial institution), or received a gift of money, property, services, or out-of-

home entertainment with a value exceeding \$100, from a business enterprise that to your knowledge supplies The George Washington University with any property, goods, or services?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. To your knowledge, does a close family member have any other relationships, transactions, activities, or financial interests connected to The George Washington University that might reasonably be perceived as involving, or creating the appearance of, a material conflict of interest with your appointment at The George Washington University?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer to any of the above Questions 1-3 is Yes, please give details, including identifying the business enterprise(s) and describing your close family member's relationship to it, as well as the approximate value of any income or financial interest, loan or gift. (Where more space is required for your answers, please attach additional pages to this questionnaire.)

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I certify that all of the foregoing information in **PART I** is true and complete to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Full Name (Printed)

\_\_\_\_\_  
Position Title

**PART II (To be completed by University officials)**

**Department Chair/Unit Head – Comments and Recommended Actions**

\_\_\_\_\_ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

\_\_\_\_\_ I have reviewed this disclosure and recommend the following actions be taken:

\_\_\_\_\_  
Printed Name and Signature

\_\_\_\_\_  
Date

**College Dean/Director – Comments and Recommended Actions**

\_\_\_\_\_ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

\_\_\_\_\_ I have reviewed this disclosure and recommend the following actions be taken:

\_\_\_\_\_  
Printed Name and Signature

\_\_\_\_\_  
Date

**Executive Vice President for Academic Affairs – Comments and Approval**

\_\_\_\_\_ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

\_\_\_\_\_ I have read the Financial Interest Disclosure and, if provided, the plan to manage, reduce or eliminate any actual, potential, or apparent conflict of interest. I approve of the Management Plan.

\_\_\_\_\_  
Printed Name and Signature

\_\_\_\_\_  
Date

## Exhibit C

Submitted for Endorsement by the Faculty Senate 1/21/05

### Proposal-Specific Investigator Financial Interest Disclosure Form

**Pursuant to The George Washington University Policy on Conflicts of Interest  
and Commitment for Faculty and Investigators (May 14, 2004)**

The Faculty Senate and the Board of Trustees approved an updated University-wide *Policy on Conflicts of Interest and Commitment for Faculty and Investigators* in May 2004. The full policy is available at [my.gwu.edu/files/policies/ConflictofInterestandcommitment.pdf](http://my.gwu.edu/files/policies/ConflictofInterestandcommitment.pdf). Pursuant to the policy, persons responsible for the design, conduct, or reporting of University sponsored programs (hereinafter "Investigators") must complete this form for each proposal submitted for external funding.

The purpose of this form is to assist faculty, Investigators, and the University in the identification and management of potential and actual conflicts of interest and to support compliance with applicable government regulations. Because of the complexities of The George Washington University, it is not unusual for an employee to respond affirmatively to one or more of the following questions. An affirmative response in no way implies that a conflict of interest necessarily exists or, if it does, that it cannot be managed. Please be assured that responses to this questionnaire may be submitted on a confidential basis and will be held strictly in confidence, and that Responses requiring further clarification will be brought to your immediate attention.

**Faculty Member or Investigator Name:** \_\_\_\_\_

**Department/Unit:** \_\_\_\_\_

**Sponsor:** \_\_\_\_\_

**Title:** \_\_\_\_\_

### **PART I (To be completed by all Investigators)**

#### **A. Definitions**

The term *significant financial interest* means

(1) any stock, stock option, or similar ownership interest in an outside entity by the Faculty Member or Investigator that, alone or together with interests of immediate family members, is valued at least at the lesser of \$10,000 or five percent of the total ownership interests in the outside entity, excluding any interest arising solely by reason of investment by a mutual, pension, or other institutional investment fund over which neither the Faculty Member, Investigator nor an immediate family member exercises control; or



(2) receipt, individually or collectively by a Faculty Member, Investigator and immediate family members of, or the right or expectation to receive, income, whether in the form of a fee (e.g., consulting), salary, allowance, forbearance, forgiveness, interest in real or personal property, dividend, royalty derived from the licensing of technology or other processes or products, rent, capital gain, real or personal property, or any other form of compensation, or any combination thereof, that over the last 12 months exceeded or over the next 12 months is expected to exceed \$10,000 in income of all types; or

(3) that the Faculty Member, Investigator, immediate family member or close family member provides services as a principal investigator for, or holds a management position in, an outside entity; or

(4) that a close family member holds an ownership interest in an outside entity or has a right to receive income from an outside entity, if such ownership interest or right to receive income would be treated as a "significant financial interest" with respect to a Faculty Member or Investigator under (1) or (2), above.

*Significant financial interest* does not include: (1) salary, royalties or other remuneration from the University; (2) income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities; or income from service on advisory committees or review panels for public or non-profit entities.

*The George Washington University (and University)* means The George Washington University and any entity owned in whole or in part, directly or indirectly, or controlled by the University, including the Medical Faculty Associates (MFA) and any joint venture.

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*Immediate family member* includes an Investigator's spouse/domestic partner and dependent children.

*Close family member* includes an Investigator's non-dependent children, as well as father, mother, sisters and brothers of the Investigator and the Investigator's spouse/domestic partner.

*To your knowledge* means your actual knowledge or knowledge that you should reasonably be expected to have based on information that has been provided to you or is in your possession. *To your knowledge* does not imply a duty to make inquiries to discover facts that are not known to you or to obtain information that has not been provided to you or is not in your possession.

## **B. Certification as to Investigator and Immediate Family Members**

1. Do you have, or does any immediate family member have, any of the relationships, transactions, activities, or financial interests described below in subparagraphs (a) through (g)?

(a) An outside entity in which you have or an immediate family member has a significant financial interest has made, or will make, a gift to The George Washington University of cash or property that will be under your control or will directly support this sponsored project.

(b) You have or an immediate family member has a significant financial interest in the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, this sponsored project.

(c) You have or an immediate family member has an actual or proposed technology licensing or commercialization arrangement with the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, this sponsored project.

(d) You are or will be personally involved in, or you have or will have the ability to influence the formation or implementation of, a transaction to procure property, goods, or services for this sponsored project from an outside entity in which you have or an immediate family member has a significant financial interest.

(e) The design, conduct or reporting of this sponsored project does impact or will impact a significant financial interest that you hold or an immediate family member holds in an outside entity.

(f) You are or an immediate family member is a director, officer, sole owner, partner, employee, agent, consultant, or advisor of a business enterprise that to your knowledge supplies or will supply The George Washington University with any property, goods, or services for this sponsored project.

(g) You have or an immediate family member has a significant financial interest in a business enterprise that to your knowledge supplies or will supply The George Washington University with any property, goods, or services for this sponsored project.

Yes \_\_\_\_\_ No \_\_\_\_\_

2. In the past 12 months, to the best of your knowledge, have you or has any immediate family member received a loan of money, property, or services in the amount of \$250 or more (excluding any loan from a bank or other financial institution), or received a gift of money, property, services, or out-of-home entertainment with a value exceeding \$100, from:

(a) a business enterprise that to your knowledge supplies property, goods, or services to The George Washington University, or (b) a business enterprise (other than The George Washington University) that engages in the business of higher education or patient care services, or (c) the sponsor of, or a subcontractor, vendor, or collaborator for, this sponsored project?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. Do you have or does any immediate family member have any other relationships, commitments, or activities that might reasonably be perceived as involving, or creating the appearance of, a conflict of interest with respect to your involvement in this sponsored project?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer to any of the above Questions 1-3 is Yes, please give details, including identifying the business enterprise(s) and describing your or your immediate family member's relationship to it, as well as the approximate value of any income or financial interest, loan or gift. (Where more space is required for your answers, please attach additional pages to this questionnaire.)

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery. There is no handwriting or other markings on the page.

### C. Certification as to Investigator and Close Family Members

1. To your knowledge, do you have or does any close family member have any of the relationships, transactions, activities, or financial interests described below in subparagraphs (a) through (f)?

(a) An outside entity in which a close family member has a significant financial interest has made, or will make, a gift to The George Washington University of

cash or property that will be under your control or will directly support this sponsored project.

(b) A close family member has a significant financial interest in the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, this sponsored project.

(c) You are or will be personally involved in, or you have or will have the ability to influence the formulation or implementation of, a transaction to procure property, goods, or services for this sponsored project from an outside entity in which a close family member has a significant financial interest.

(d) The design, conduct or reporting of this sponsored project does impact or will impact a significant financial interest that a close family member holds in an outside entity.

(e) A close family member has an actual or proposed technology licensing or commercialization arrangement with the proposed or current sponsor of, or a proposed or current subcontractor, vendor, or collaborator for, this sponsored project.

(f) A close family member is a director, officer, sole owner, partner, employee, agent, consultant, or advisor of, or has a significant financial interest in, a business enterprise that to your knowledge supplies or will supply The George Washington University with any property, goods, or services for this sponsored project.

Yes \_\_\_\_\_ No \_\_\_\_\_

2. In the past 12 months, to your knowledge, has a close family member received a loan of money, property, or services in the amount of \$250 or more (excluding any loan from a bank or other financial institution), or received a gift of money, property, services, or out-of-home entertainment with a value exceeding \$100, from: (a) a business enterprise that to your knowledge supplies property, goods, or services to the George Washington University, or (b) the sponsor of, or a subcontractor, vendor, or collaborator for, this sponsored project?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. To your knowledge, does a close family member have any other relationships, transactions, activities, or financial interests that might reasonably be perceived as involving, or creating the appearance of, a conflict of interest with respect to your involvement in this sponsored project?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer to any of the above Questions 1-3 is Yes, please give details, including identifying the business enterprise(s) and describing your close family member's relationship to

it, as well as the approximate value of any income or financial interest, loan or gift. (Where more space is required for your answers, please attach additional pages to this questionnaire.)

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

I certify that all of the foregoing information in **PART I** is true and complete to the best of my knowledge.

Signature

Date \_\_\_\_\_

Full Name (Printed)

Position Title

**PART II (To be completed by University officials)**

**Department Chair/Unit Head – Comments and Recommended Actions**

\_\_\_\_\_ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

\_\_\_\_\_ I have reviewed this disclosure and recommend the following actions be taken:

\_\_\_\_\_  
Printed Name and Signature

\_\_\_\_\_  
Date

**College Dean/Director – Comments and Recommended Actions**

\_\_\_\_\_ To the best of my knowledge, there is no perceived or inappropriate activity or conflict.

\_\_\_\_\_ I have reviewed this disclosure and recommend the following actions be taken:

\_\_\_\_\_  
Printed Name and Signature

\_\_\_\_\_  
Date



**A RESOLUTION RECOMMENDING IMPROVED TIMING OF THE BUDGET  
CYCLE TO PERMIT BETTER CONSULTATION WITH FACULTY (04/7)**

**WHEREAS**, the administration has advised the Fiscal Planning and Budgeting Committee of the Faculty Senate that it is adopting a budgeting strategy of requiring many divisions of the University, including most of the schools, to annually reduce their expense budgets, these funds to be sequestered and some portion returned and targeted towards the strategic priorities of the University and schools\*; and

**WHEREAS**, in the colleges and schools, such reductions, repeated now for several years, start to require deans to begin to dismantle and/or restructure academic programs, often discontinuing part-time faculty and transferring full-time faculty to achieve the required "savings;" and

**WHEREAS**, the Faculty Code, Section IX.A, entitles faculty to "an active role ...including an opportunity to make recommendations" when such academic-program eliminations and restructuring are being considered, but the amount of time allowed in the budget cycle for deans to identify and report to the budget office the cut they will make is insufficient to allow enough time for significant consultation with the faculty of the schools involved; **NOW, THEREFORE**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE  
WASHINGTON UNIVERSITY:**

1) That the budget cycle of the University, that is, the timing of the informing of deans of budgetary targets and the fixing of dates by which recommendations are due to the budget office, should be modified to permit deans the time and opportunity to confer with faculty in advance of arriving at their recommended budget cuts, and to encourage Deans to confer with faculty, and to allow faculty their Code-guaranteed right to participate in these budget-driven restructurings, in light of the importance of the academic consequences of this budget strategy; and

2) That, in addition to the above short-run strategy, the Administration should commit itself to more long-range budget planning, especially academic planning in conjunction with the deans and faculties of the colleges and schools, as we attempt to reach our strategic goals in the next decade.

\* (In FY04 1.1% of school budget expense reductions was matched with a 1.1% budget expense reduction from Administrative units and the total reallocated to Academic Affairs. In FY05 1.62% of school budget expenses was reallocated across the entire University budget.)

Fiscal Planning and Budgeting Committee of the Faculty Senate  
Approved: Dec. 18, 2004

Adopted January 21, 2005

**A RESOLUTION TO RESTATE THE NAMES OF THE STANDING COMMITTEES IN  
THE BYLAWS OF THE FACULTY SENATE APPENDED TO THE FACULTY  
ORGANIZATION PLAN (04/8)**

**WHEREAS, Section 10 of the Bylaws of the Faculty Senate provides for the establishment of a number of standing committees, in accordance with Article III, Section 5(a) of the Faculty Organization Plan; and**

**WHEREAS, since 1990, the Faculty Senate has amended Section 10 of the Bylaws on four occasions in order to eliminate one standing committee and to change the names of three standing committees; and**

**WHEREAS, on certain occasions since 1990, the Faculty Senate Executive Committee has informally changed the names of standing committees; and**

**WHEREAS, it now seems desirable to amend Section 10 of the Bylaws in order to restate the names of the standing committees of the Faculty Senate so that those names will conform to the current practice of the Faculty Senate; NOW, THEREFORE**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON  
UNIVERSITY**

**That Section 10 of the Faculty Senate Bylaws be amended to read as follows:**

**There shall be standing committees for the following areas:  
Appointment, Salary, and Promotion Policies (including Fringe Benefits);  
Admissions Policy, Student Financial Aid, and Enrollment Management;  
Athletics and Recreation; Educational Policy; Faculty Development  
and Support; Fiscal Planning and Budgeting; Honors and Academic  
Convocations; Libraries; Physical Facilities; Professional Ethics  
and Academic Freedom; Research; and University and Urban Affairs.**

**BE IT FURTHER RESOLVED**

**That the second paragraph of Section 10 of the Faculty Senate Bylaws, which provides that "Other standing committees created by the Senate shall continue in force.", be deleted as unnecessary and obsolete, in view of the fact that all of the standing committees of the Faculty Senate will be listed in Section 10 of the Faculty Senate Bylaws as amended by the preceding resolution.**

**Executive Committee of the Faculty Senate  
January 28, 2005**

**Adopted February 11, 2005**

## **A Resolution for the Appropriate Regulation of Honors, Awards, or Distinctions by Units of the University (04/9)**

**WHEREAS**, it is of the first importance that any honor, award, or distinction linked with the name of The George Washington University continue to deserve the high regard of the entire academic community and the world at large; and

**WHEREAS**, it is essential therefore that such honors, awards, or distinctions be conferred with due deliberation on individuals or associations properly deserving of that honor, award, or distinction; and

**WHEREAS**, to that end it is desirable that in conferring such honors, awards, or distinctions on persons outside the community of GW students, faculty, and staff a degree of uniformity in standards, criteria, and deliberation be maintained throughout the University; **NOW, THEREFORE**

### **BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:**

- 1) That, with respect to persons outside the community of students, faculty, and staff of The George Washington University, only Schools of the University should be authorized to confer honors, awards, or distinctions (that is, not individual Departments or other academic subdivisions, Institutes, or Centers, or other components, including 'schools within Schools', although these could well suggest or initiate consideration of such), subject to some appropriate procedures to be established by and within each School for that purpose, such procedures to be approved by the Executive Vice President for Academic Affairs; and
- 2) that nominations for such School honors, awards, or distinctions should be vetted and approved by the Committee on Honors and Academic Convocations of the Faculty Senate (the "Committee") on the basis of materials submitted in support of each honor to be conferred by the School and the guidelines set forth in the Appendix to this Resolution, much as that Committee now vets nominations for the award of honorary degrees submitted by the various Schools; provided, that awards of a more modest nature may be approved by the Committee on a generalized basis in accordance with such procedures as the Committee may determine to be appropriate, including the approval of standard criteria to be followed by a School in selecting recipients of such awards.

### **Appendix: Guidelines for Conferral of Honors, Awards, or Distinctions**

- 1) The awardee must have achieved distinction in his or her profession. "Distinction" can be measured in a variety of ways: winning significant prizes for professional or scholarly work; achieving national or international recognition for professional or scholarly work; or displaying the kind of professional or scholarly skills or abilities, character, and integrity that might cause the nominee to be considered to be a role model for students.
- 2) The awardee must have made the kind of contribution to his or her profession that has measurably enhanced or improved the profession. The awardee must have set a new standard for

accomplishment, found new ways to deliver the benefits of the profession, or otherwise brought recognition to the profession.

3) A connection with GW and the School proposing the honor, award, or distinction would be an important positive factor.

Committee on Honors and Academic Convocations

Barry L. Berman, Acting Chair

March 22, 2005

Adopted, April 8, 2005

A RESOLUTION OF APPRECIATION (04/10)

WHEREAS, Arthur E. Wilmarth, Jr., has earned the highest respect, gratitude, and admiration of the University community; and

WHEREAS, his term on the Executive Committee of the Faculty Senate has reached its statutory limit; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the following citation be issued:

In recognition of the wide range of outstanding contributions to The George Washington University made by Professor Arthur E. Wilmarth, Jr., during his 19 years of exemplary service; and

In recognition of his dedicated service to his students and colleagues as Professor of Law at the GW Law School, during which time he has consistently adhered to the highest standards of excellence in his scholarship and his teaching; and

Especially in recognition of his extraordinary contributions to the entire University faculty through his many years of exemplary service as a member of the Faculty Senate -- including six years as a member of the Senate Executive Committee, most recently as Chair; Chair and long-standing member of the Committee on Professional Ethics and Academic Freedom; and ex-officio member of the Committees on Athletics and Recreation, Educational Policy, Libraries, University and Urban Affairs -- during which time he has demonstrated unfaltering commitment and adherence to the principles of shared governance and has compiled an outstanding record of major accomplishments on behalf of the entire University faculty, due in large part to his extraordinary leadership, courage, integrity, collegiality, diplomacy, and stewardship;

THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

HEREBY EXPRESSES ITS

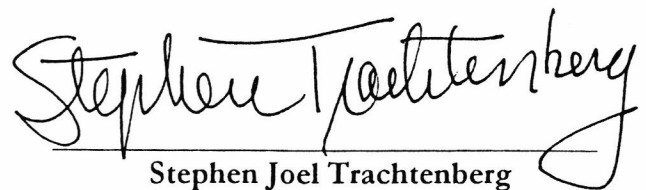
DEEPEST APPRECIATION AND GRATITUDE TO

PROFESSOR ARTHUR E. WILMARTH, JR.,

FOR HIS DISTINGUISHED SERVICE



April 8, 2005



Stephen Joel Trachtenberg  
President

Adopted by acclamation  
April 8, 2005